

**Tribal Consultation on  
EO 14210 - Indian Affairs  
Workforce  
Efficiency/Productivity and  
EO 14156 National Energy  
Emergency – Permitting  
Procedures**



**Consolidated  
Post Consultation Summary Report**



**Oral and Written Comments**

Received from May 20 – July 7, 2025

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## Overview

The Department of the Interior (Department or Interior), in accordance with Executive Order 13175, initiated a series of formal Tribal consultations with federally recognized Tribal Nations and Native organizations regarding Executive Order 14210 (Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative) and Executive Order 14156 (Declaring a National Energy Emergency), which were issued on February 11, 2025, and January 20, 2025, by President Trump. Under EO 14210, each Federal agency is required to develop an Agency Reorganization Plan, and under EO 14156 each Federal agency is directed to use emergency powers to “facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources.”

During each Tribal consultation session, the Department collected oral and written comments. The purpose of collecting oral and written comments was to ensure that Tribal governments had the opportunity to provide timely, meaningful, and government-to-government input on proposed federal actions that may impact their inherent Tribal sovereignty, treaty rights and other rights, interests, and reservation and/or Tribal communities.

For EO 14210, the Department sought feedback on efforts to restructure or streamline operations within Indian Affairs—specifically the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Bureau of Trust Funds Administration (BTFA), and the Office of the Assistant Secretary – Indian Affairs (AS-IA)—with the goal of enhancing service delivery while honoring the federal trust responsibility.

For EO 14156, the Department gathered input on emergency energy permitting procedures announced in April 2025, with the objective of understanding Tribal perspectives on the potential impacts of expedited project approvals on sacred lands, environmental resources, treaty rights, and cultural heritage.

These consultations and comment submissions were intended to inform the Department’s planning and policy development, elevate Tribal priorities, and reinforce the federal government’s commitment to Tribal sovereignty, treaty obligations, and the principles of meaningful consultation.

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## Disclaimer on Scope of Representation

This report presents a consolidated summary of oral and written comments submitted by Tribal leaders, Tribal organizations, educators, legal advocates, cultural practitioners, and community representatives during the formal consultation process. **See Appendix A – Comment Submission Overview.** The information herein reflects the perspectives, priorities, and

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recommendations shared across nine consultation sessions and accompanying written submissions received by the Department as of July 2025.

While every effort has been made to ensure accuracy, completeness, and respectful representation of all comments, this consolidated post consultation summary report does not include every verbatim statement or viewpoint expressed. Comments have been synthesized and categorized by key themes to identify common concerns, elevate regionally specific issues, and present an integrated understanding of Tribal priorities. Individual statements may have been condensed or paraphrased for clarity, consistency, and alignment with thematic organization.

This consolidated post consultation summary report is not intended to substitute for direct government-to-government engagement with individual Tribal Nations. Nor does it reflect formal policy positions of the Department. Rather, it serves as a tool for transparency, accountability, and informed decision-making as the Department considers Tribal input in the development and implementation of operational reforms under EO 14210 and EO 14156. Inclusion of comments in this report does not imply endorsement or agreement by the Department, and omission of any specific statement should not be interpreted as a dismissal of its importance.

## Participation Statement

The Tribal consultation process convened by the Indian Affairs generated significant national engagement across Indian Country. **See Appendix B – Consultation Participation.** A total of 3,487 individuals registered in advance, demonstrating broad interest in shaping federal actions related to government efficiency and emergency energy permitting. Of those, 2,359 individuals participated virtually via Zoom, and an additional 640 individuals attended in person across the seven in-person consultation sites. These sessions were conducted in closed settings to foster open dialogue and protect sensitive cultural and governmental information.

A total of 216 Tribal representatives delivered oral testimony, offering detailed concerns, lived experiences, and policy recommendations grounded in the diverse realities of Tribal governance, education, cultural stewardship, environmental management, and community development. In addition to the verbal testimony, Indian Affairs received 190 written submissions with over 80 received from elected Tribal leaders and over 110 written submissions from Tribal government representatives, intertribal organizations, educational institutions, nonprofit advocacy groups, and individual professionals with direct experience working in or on behalf of Tribal Nations, and concerned Tribal members.

Participants reflected a broad cross-section of Indian Country, including:

- Elected Tribal leaders such as Chairs, Presidents, and Council Members representing federally recognized Tribal Nations;

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- Tribal Historic Preservation Officers (THPOs), cultural resource specialists, and sacred site protection officers;
  - Environmental, natural resources, and climate program directors from Tribal governments;
  - Tribal attorneys, legal counsel, and intergovernmental affairs representatives;
  - Health, behavioral health, and human services directors from Tribal run programs;
  - Directors and staff from Tribal Education Departments (TEDs), Bureau of Indian Education (BIE) school administrators, teachers, and staff, and leaders, administrators, and faculty from Tribal Colleges and Universities (TCUs);
  - Housing infrastructure and emergency management program managers
  - Executive directors and policy advisors from intertribal organizations and regional consortia; and
  - Alaska Native Village Corporation leaders and administrators from regional Tribal nonprofits.

Together, this broad participation reflects the depth of Tribal investment in ensuring that federal policies uphold treaty and trust obligations, respect Tribal sovereignty, and are shaped through meaningful, nation-to-nation dialogue. The Department acknowledges and honors the commitment of all who contributed to this consultation process.

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## Summary of EO 14210 Government Efficiency – Consolidated Concerns

The following section presents a comprehensive consolidation of the core concerns raised by Tribal Nations during the Department’s consultation process on Executive Order 14210 (Government Efficiency). This synthesis is based on a detailed review of all oral testimony and written submissions received across the nine formal consultation sessions and written comment period. While individual statements reflected diverse regional, cultural, and operational contexts, a set of 22 key themes emerged consistently across comments.

Each theme is presented with a comprehensive summary paragraph and an accompanying list of consolidated concerns. **See Appendix C – Government Efficiency Consolidated Concerns.** These concerns reflect shared Tribal experiences with federal programs, systemic barriers to self-governance, and structural deficiencies in the federal-Tribal relationship. Although common patterns were identified, care has been taken to preserve regionally distinct or less frequently voiced concerns to ensure full transparency.

This section serves as the foundation for a broader analysis of Tribal priorities related to federal reform efforts and is intended to guide the development of responsive, trust-centered policies and operational improvements.



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1. Violation of the Federal Trust Responsibility
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  4. Threats to Tribal Self-Governance and Sovereignty
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  6. Workforce Reductions and BIA/BIE Reorganization
  7. Neglect of Tribal Colleges and Universities (TCUs)
  8. Trust Services, Real Estate, and Probate Backlogs
  9. Land into Trust and Tribal Economic Sovereignty
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  12. Disruption to Tribal-Federal Service Continuity
  13. Digital Access and Tribal Data Sovereignty
  14. Erosion of Tiwahe and Holistic Tribal Family Programs
  15. Institutional Knowledge Loss Due to Staff Turnover
  16. Unmet Infrastructure and Facility Needs
  17. Equity for Small and Rural Tribes
  18. Lack of a Clear Operational Plan or Metrics for EO 14210
  19. Undermining of the Federal Trust Responsibility in Education
  20. Neglect of the Trust Obligation to Support Tribal Colleges and Universities (TCUs)
  21. Chronic Underfunding and Infrastructure Deficits in Bureau-Funded and Tribally-Controlled Schools
  22. Failure to Center Tribal Sovereignty in Education Governance
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Tribal leaders and representatives across Indian Country delivered clear, consistent, and urgent messages throughout the consultation process. Comments—both oral and written—revealed a deep and widespread concern that efforts to improve government efficiency risk undermining federal trust and treaty obligations if not grounded in Tribal sovereignty, self-determination, and culturally informed policy development. While participants acknowledged the importance of improving federal performance, they overwhelmingly emphasized that efficiency must not come at the expense of service quality, program integrity, or the foundational government-to-government relationship.

Across the 22 consolidated key themes, Tribal Nations reported systemic deficiencies in trust service delivery, education funding, interagency coordination, and digital infrastructure. They criticized the lack of meaningful consultation, the growing burden of unfunded administrative mandates, and proposed workforce reductions that threaten continuity of services and community well-being. Tribes also highlighted the chronic underfunding of Tribal Colleges and Universities, deteriorating school and agency facilities, and inequitable access to direct funding.

Participants expressed particular alarm at restructuring initiatives implemented without Tribal input—such as the Deferred Resignation Program (DRP) and Voluntary Early retirement Authority (VERA) strategies—which they viewed as short-sighted, destabilizing, and

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counterproductive to the goals of long-term productivity and Tribal capacity building. Many also warned that proposed reforms lacked transparency, regional sensitivity, and clearly defined performance metrics co-developed with Tribal Nations.

Despite these concerns, Tribes offered a wealth of constructive recommendations focused on co-governance, cultural revitalization, equitable funding formulas, and localized service delivery. Their testimony reflects a unified call for the Department to redefine efficiency not as budget reduction or consolidation, but as the ability to uphold trust responsibilities, respect Tribal authority, and deliver consistent, high-quality services across all regions. The comments captured under the 22 themes represent not only a critique of the current system but a roadmap for building a stronger, more accountable, and sovereign-to-sovereign future.

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## 1. Violation of the Federal Trust Responsibility

Tribal leaders across all consultation sessions emphasized that the federal trust responsibility—rooted in treaties, statutes, and legal precedent—is being systemically neglected. Tribes described this failure not as a single issue, but as a pattern of chronic underfunding, service delays, lack of accountability, and federal indifference to the cultural and legal needs of Tribal Nations. They testified that essential trust functions such as leasing, probate, land management, and program funding are either delayed or inconsistently delivered, directly harming Tribal governance, economic development, housing, and sovereignty. The narrow interpretation of trust obligations—excluding cultural, subsistence, and educational dimensions—was seen as a significant deviation from the government’s legal and moral duties. Further, a lack of staff training and the absence of standard agency-wide accountability mechanisms further compound this breakdown. Many Tribes reported that they must turn to litigation as a last resort to compel federal compliance. Overall, Tribal Nations called for a restoration and reaffirmation of the trust responsibility across all agencies, grounded in Tribal definitions of success and a commitment to regional, cultural, and legal specificity.

## 2. Lack of Meaningful Consultation

Tribal Nations overwhelmingly reported that federal consultation practices remain symbolic, fragmented, and inadequate—falling short of the legal and moral obligations that define the government-to-government relationship. Across all sessions, Tribes described consultation efforts as rushed, inconsistently communicated, and often poorly coordinated. Most of the time consultations feel like a “check-the-box” exercise that lacks meaningful opportunity for Tribal input to influence policy outcomes. The multiple-topic format, along with minimal advance notice and limited regional locations further diluted the quality and inclusivity of these engagements, particularly for remote and under-resourced Tribal communities. Tribal participants emphasized that meaningful consultation must be more than a procedural step; it must be early, ongoing, transparent, and shaped by Tribal definitions of success and engagement. Elders, youth, and traditional knowledge holders are often excluded from

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consultation dialogues, and there is no formal accountability for how Tribal feedback is incorporated into final decisions. The absence of Department officials with authority to decide on the proposed Departmental action, inconsistent follow-up, and poor logistical planning were also raised as critical concerns. Tribal leaders called for the institutionalization of stronger consultation standards, regionally tailored engagement strategies, and measurable performance criteria for agency responsiveness.

### 3. Direct Funding Barriers to Tribal Governments

Tribes raised deep concerns about long-standing bureaucratic obstacles, including redundant administrative processes, delayed disbursement of funds, and lack of transparency. These inefficiencies hinder Tribal program delivery and weaken self-governance. Chronic delays in releasing program funds—especially for compacted Tribes—were seen as a major barrier to success. Persistent funding shortfalls and late disbursements hinder Tribal operations, delay key programs, and force Tribes to cover costs with limited resources. The current funding distribution structure often misaligns with Tribal priorities, and the erosion of Tribal sovereignty. The use of competitive grant programs—especially for services tied to the federal trust responsibility—was widely criticized as inequitable, unsustainable, and incompatible with long-term planning. In addition, complex reporting requirements, unpredictable funding cycles, and discretionary decision-making by intermediaries increase administrative burdens and uncertainty. Tribal participants emphasized that direct, formula-based funding is essential to support Tribal self-governance, reduce bureaucratic friction, and ensure accountability. COVID-19 funding showed how efficient direct funding can be—but this model is not maintained. Many recommended that the Department expand and normalize direct disbursement practices, and implement equitable base funding models tailored to the unique capacities and needs of each Tribal Nation.

### 4. Threats to Tribal Self-Governance and Sovereignty

Tribal Nations strongly asserted that many federal programs and administrative reforms continue to treat self-governance as an exception rather than the standard, undermining the inherent sovereignty of Tribal governments. Across all consultations, Tribes emphasized that they are best positioned to manage their own programs, define success by their own metrics, and integrate services across systems in ways that reflect their cultures, priorities, and governance structures. However, federal reluctance to expand 638 contracting and 477 integration authority—combined with burdensome oversight requirements, limited flexibility in funding use, and a lack of startup support, were all cited as structural barriers to sovereignty. Tribes described legal, regulatory, and interagency (BOR, BLM, FWS, and NPS) obstacles that restrict their ability to co-manage natural resources, exercise jurisdiction, and build culturally grounded programs. Tribal participants stressed that self-governance is not just a political right, but also a proven pathway to more effective service delivery. They called on the Department to institutionalize Tribal self-governance as the default approach, remove legal and bureaucratic obstacles, and affirm Tribal authority in all policy, budget, and program decisions.

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## 5. Burdensome Federal Reporting and Administrative Inefficiency

Tribal Nations consistently expressed that excessive federal reporting requirements and outdated administrative systems create disproportionate burdens—particularly for small, rural, or under-resourced Tribal governments. Many described a growing imbalance between compliance demands and available staff capacity, with Tribal personnel spending more time meeting federal paperwork mandates than delivering direct services to their communities. Reporting formats, deadlines, and platforms vary widely between agencies, often lack integration, and are poorly adapted to Tribal governance structures or technological realities. Moreover, outdated or malfunctioning systems, frequent changes in federal reviewers, and a lack of real-time support exacerbate delays and confusion. Tribes testified that these inefficiencies are not only wasteful but undermine Tribal self-governance and access to federal resources. Tribal participants called for standardized, streamlined reporting processes, the adoption of Tribal-defined performance measures, and greater investment in technical assistance and digital infrastructure tailored to Indian Country.

## 6. Workforce Reductions and BIA/BIE Reorganization

Tribal leaders across all consultations voiced strong opposition to proposed workforce reductions, early retirement programs (such as VERA and DRP), and organizational restructuring within Indian Affairs. These changes were viewed as unilateral and executed without Tribal consultation and were seen as deeply destabilizing to critical services such as education, public safety, trust management, and emergency response. Tribes emphasized that many BIA and BIE offices are already understaffed and rely heavily on the institutional knowledge and cultural competency of long-tenured personnel. Any further reduction in staff—especially without regionally informed planning—threatens continuity of services and undermines the trust responsibility. Particular concern was raised about any potential downsizing of any regional office and the broader use of cost-saving strategies that prioritize budget reductions over Tribal service delivery. Tribal participants also criticized the lack of transparency, communication, and impact data related to these restructuring efforts, and called for any such changes to be co-designed with Tribal Nations, accompanied by robust transition planning, and assessed for their impact on underserved communities.

## 7. Neglect of Tribal Colleges and Universities (TCUs)

Tribal Colleges and Universities (TCUs) were repeatedly described as vital institutions that advance Tribal sovereignty, workforce development, cultural preservation, and self-determination. Despite this, Tribes reported that TCUs are persistently underfunded, administratively overburdened, and overlooked in federal policy and infrastructure initiatives. Testimony emphasized that TCUs are not supplemental institutions, but core components of Tribal governance and community resilience. However, operational funds are frequently delayed, infrastructure is outdated or unsafe, and staffing shortages threaten academic

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continuity. Many TCUs lack basic resources such as broadband access, science labs, and culturally appropriate facilities. Tribal participants also highlighted the lack of federal coordination in supporting TCUs and called for the modernization of funding models to ensure equitable, stable, and direct investment. The current structure—marked by discretionary funding, minimal infrastructure support, and exclusion from providing direct input in the Department’s workforce development plans—was seen as incompatible with the federal trust obligation to support Tribal higher education.

## 8. Trust Services, Real Estate, and Probate Backlogs

Tribal leaders across all regions expressed frustration with the severe delays and inefficiencies in the federal trust system—especially related to probate, leasing, land title services, and real estate transactions. These backlogs have stalled housing development, blocked economic initiatives, and disrupted the timely transfer of land and assets within Tribal communities. Many described the trust system as outdated, understaffed, poorly digitized, and often inaccessible—especially in Alaska and other remote areas. Tribal leaders cited the absence of integrated digital systems, a lack of staff knowledgeable about region-specific legal frameworks, and burdensome, paper-based procedures that impede development. Tribes are often forced to rely on costly consultants just to navigate federal processes, while the Department struggles to coordinate internally or meet mandated review timelines. Tribal leaders emphasized that trust services are not peripheral administrative functions but essential components of Tribal sovereignty, economic self-sufficiency, and community planning. They called for the modernization of realty systems, increased staffing and training, federal-Tribal coordination, and a greater role for Tribes in shaping and administering trust-related services.

## 9. Land into Trust and Tribal Economic Sovereignty

Tribal Nations emphasized that the land-into-trust process is central to Tribal sovereignty, jurisdiction, and economic self-sufficiency—but in its current form, the system is slow, expensive, and riddled with bureaucratic and legal barriers. Many Tribes reported multi-year delays, lost applications, and limited staff support when navigating the process. The situation is particularly acute in Alaska, where ANCSA and ANILCA frameworks aren’t always understood correctly. High legal and administrative costs further discourage participation, and state-level opposition often introduces legal challenges that further delay or derail applications. Tribes stressed that without trust land, they are denied jurisdiction, excluded from key federal programs, and severely limited in their ability to pursue housing, infrastructure, and development projects. Tribal leaders called for streamlined processes, region-specific guidance, technical assistance, and greater federal investment in restoring and expanding the Tribal land base as a key pillar of economic development and governance.

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## 10. Subsistence Rights and Cultural Preservation

Tribal leaders, particularly from Alaska and other rural regions, emphasized that subsistence rights are not merely economic or environmental issues, but are integral to Tribal identity, food security, intergenerational knowledge transmission, and cultural survival. Many testified that current federal and state policies, including conflicting dual management systems and arbitrary closures, have eroded access to traditional hunting, fishing, and gathering practices. Federal permitting and land use decisions frequently overlook or exclude Indigenous knowledge and cultural perspectives, resulting in decisions that harm sacred landscapes and disrupt cultural continuity. Tribes expressed deep concern that cultural sites, ceremonial resources, and sacred ecosystems are at risk—especially under expedited permitting regimes. They also noted the underfunding of language revitalization, environmental monitoring, and elder-youth programs that help maintain subsistence traditions. Tribal leaders called for formal recognition of subsistence as a trust obligation, co-management agreements that center Tribal expertise, and regulatory reforms that protect cultural rights and ecological sustainability rooted in Indigenous worldviews.

## 11. Inadequate Interagency Coordination

Tribal Nations repeatedly identified a pervasive lack of coordination among the Department as a significant barrier to effective service delivery, policy implementation, and Tribal engagement. Many described navigating federal programs as a siloed, duplicative, and inconsistent experience—marked by conflicting mandates, redundant reporting, and incompatible systems. This fragmentation undermines the efficiency goals of Executive Order 14210 and places disproportionate burdens on Tribal governments, who must manage overlapping requirements with limited capacity. Tribes also cited poor alignment between policy design, consultation schedules, and funding mechanisms across agencies, often resulting in confusion, missed opportunities, or misaligned services. Tribes stressed that interagency coordination must be driven by Tribal priorities and supported by shared definitions, streamlined processes, and integrated technology platforms. They urged the Department to lead an interagency effort to align regulations, consolidate communications, and institutionalize mechanisms for joint consultation and funding. Failure to do so, they warned, risks perpetuating inefficiency while undermining the intent of trust-based governance.

## 12. Disruption to Tribal-Federal Service Continuity

Tribal Nations emphasized that abrupt changes in federal staffing, agency structure, and funding mechanisms have caused major disruptions in the continuity and reliability of services provided through Tribal-Federal partnerships. Many Tribes reported that longstanding relationships with agency personnel—critical for trust-based collaboration and community knowledge—are being lost due to retirements, reassignments, and unclear reorganization plans. Gaps in personnel coverage have delayed critical services such as lease approvals, education support, law enforcement coordination, and funding disbursements. Additionally, Tribes raised concerns about the erosion of institutional knowledge, lack of standardized transition protocols, and the

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absence of contingency planning during periods of federal turnover or structural change. Tribal leaders stressed that without deliberate strategies to ensure continuity, federal restructuring and budget decisions disproportionately harm Tribal communities who depend on consistent access to trust services and agency responsiveness. They called for succession planning and protections for service delivery continuity to be embedded in all future reforms.

### 13. Digital Access and Tribal Data Sovereignty

Tribal Nations identified digital inequity and lack of data sovereignty as dual barriers to self-governance, access to services, and full participation in federal initiatives. Many Tribes, especially in rural or remote areas, lack reliable broadband, cellular infrastructure, or secure digital systems, limiting their ability to access federal portals, submit required reports, or participate in virtual consultations. At the same time, Tribes emphasized their right to control how data about their citizens, lands, and resources is collected, stored, and used. Federal systems often require Tribes to share sensitive information without guarantees of confidentiality, co-ownership, or governance rights. Additionally, Tribes are routinely excluded from federal data-driven initiatives or reports that affect funding formulas, policy decisions, and program eligibility. Tribal leaders called for meaningful investments in digital infrastructure, greater interoperability between federal and Tribal systems, and the full recognition of Tribal data sovereignty as a trust responsibility. They also advocated for Tribal leadership in designing and managing data systems relevant to their own communities.

### 14. Erosion of Tiwahe and Holistic Tribal Family Programs

Tribal representatives expressed alarm over the stagnation and erosion of the Tiwahe Initiative and other holistic, culturally grounded family services programs designed to support Tribal wellness, prevent intergenerational trauma, and strengthen community resilience. Many testified that Tiwahe—which integrates services across social work, behavioral health, child welfare, education, and reentry—had shown promising outcomes but lacked the sustained funding, interagency coordination, and federal commitment needed to scale. Since its pilot launch, Tiwahe has remained limited in geographic scope and underutilized by the Department, with some Tribes reporting loss of funding or support without explanation. Tribal representatives emphasized that siloed federal programs, rigid eligibility criteria, and externally imposed service models fail to reflect the interconnected nature of Tribal families and the complex systems of care embedded in Tribal life. They called for the national expansion of Tiwahe and similar culturally responsive programs, inclusion of Tribal definitions of family and wellness in program design, and the restoration of local flexibility to integrate services without burdensome federal constraints.

### 15. Institutional Knowledge Loss Due to Staff Turnover

Tribal leaders repeatedly cited high staff turnover within the BIA and BIE as a critical challenge that weakens Tribal-Federal partnerships and disrupts the delivery of essential services. Many

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described how the departure of experienced federal personnel—especially those with long-standing relationships in Tribal communities—results in the loss of institutional memory, case knowledge, and trust. This in turn forces Tribes to re-educate new staff on their histories, legal status, and unique governance structures, often multiple times within the same project cycle. Inconsistent staffing also leads to delays in permitting, realty, contract approvals, and education oversight, while reducing the quality of technical assistance and responsiveness. Tribal leaders emphasized that such turnover not only hinders service continuity but also erodes Tribal confidence in the Department's ability to meet its obligations. Tribes called for robust succession planning, regionally grounded hiring practices, and formal knowledge-transfer protocols that prioritize Tribal perspectives.

## 16. Unmet Infrastructure and Facility Needs

Tribal Nations across all regions expressed urgent concern about chronic underinvestment in infrastructure essential to Tribal governance, education, health, safety, and economic development. Tribes consistently highlighted deteriorating BIA and BIE facilities, outdated Tribal administrative buildings, insufficient school and housing infrastructure, and lack of basic utilities such as water, sewer, electricity, and broadband—particularly in remote and rural communities. These conditions severely limit the ability of Tribes to deliver services, attract and retain qualified staff, or pursue long-term community planning. Tribal leaders underscored that infrastructure gaps are not simply technical deficiencies but are the result of decades of systemic neglect, inconsistent funding, and failure to uphold federal trust and treaty obligations. Tribes called for a coordinated federal strategy to assess and address facility backlogs, ensure equitable funding allocations, and treat infrastructure development as a core trust responsibility.

## 17. Equity for Small and Rural Tribes

Tribal leaders representing small, rural, and geographically isolated Nations voiced deep concern that federal policies and funding mechanisms fail to account for their unique structural disadvantages. These Tribes often operate with minimal staff, serve dispersed populations, and lack the economies of scale needed to compete for grants or meet complex administrative requirements. As a result, they are systematically excluded from federal initiatives that require cost-sharing, advanced digital access, or specialized grant writing capacity. Instead, access and outcomes should be tailored to the scale, capacity, and realities of smaller Tribal governments. They urged the Department to implement scaled application requirements, direct funding pathways, and technical assistance programs specifically designed for small and rural communities. Failure to do so perpetuates historic underinvestment and leaves the most underserved Tribal populations further behind.



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## 18. Lack of a Clear Operational Plan or Metrics for EO 14210

Tribal leaders voiced widespread concern that the implementation of Executive Order 14210—intended to improve federal efficiency and service delivery—lacks transparency, specificity, and measurable outcomes. Tribes consistently noted that while the goals of the Executive Order may appear positive in theory, the absence of a publicly available operational plan, timeline, or performance metrics has generated confusion and distrust. Many Tribes questioned how decisions are being made, what criteria guide agency restructuring, and whether Tribal input is being incorporated meaningfully. The lack of clear accountability frameworks also raises fears that proposed changes may reduce staffing or funding in ways that harm Tribal governments. They called on the Department to provide detailed implementation roadmaps, co-develop success indicators with Tribal Nations, and ensure that all metrics reflect the federal trust responsibility—not just administrative cost-cutting.

## 19. Undermining of the Federal Trust Responsibility in Education

Tribal leaders and education advocates repeatedly emphasized that the federal government is failing to uphold its trust responsibility to provide equitable, culturally relevant, and adequately resourced education for Native students. Tribes revealed widespread frustration with chronic underfunding, bureaucratic delays, and a lack of sustained commitment to Indigenous pedagogies and Tribal control. The trust obligation in education—rooted in treaties, statutes, and federal case law—is not discretionary; yet Tribes reported that the Department, particularly the BIE, often treat education as a general service rather than a legal and moral obligation. Tribal leaders cited systemic neglect across early childhood, K–12, and postsecondary systems, with little alignment between policy rhetoric and budgetary follow-through. They called for a renewed federal compact to prioritize Tribal education sovereignty, strengthen BIE accountability, and reframe education policy through the lens of trust and treaty rights.

## 20. Neglect of the Trust Obligation to Support Tribal Colleges and Universities (TCUs)

Tribal leaders, educators, and TCU representatives emphasized that the federal government is failing to uphold its trust and treaty obligations to TCUs, which serve as critical institutions for Tribal sovereignty, cultural preservation, and workforce development. Despite their foundational role in advancing education, research, and economic opportunity in Indian Country, TCUs remain dramatically underfunded and structurally unsupported. Tribal leaders, educators, and TCU representatives noted that these institutions are expected to perform the roles of both colleges and community service centers—often without stable operating budgets, adequate infrastructure, or parity with other land-grant institutions. They also stressed that EO 14210's focus on “efficiency” risks further marginalizing TCUs if reforms do not explicitly recognize their legal status and vital function. Tribes called on the federal government to fully fund TCU operations, support capital construction, invest in faculty and research development, and honor its trust responsibility by making long-term commitments to Tribal higher education.

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## 21. Chronic Underfunding and Infrastructure Deficits in Bureau-Funded and Tribally-Controlled Schools

Tribal leaders, educators, and families underscored the long-standing crisis of underfunding and infrastructure neglect in Bureau-funded and Tribally-controlled schools, which serve tens of thousands of Native youth. Tribes revealed that many schools are operating in unsafe, deteriorating buildings that lack modern classrooms, clean water, adequate ventilation, and up-to-date learning technologies. While some facilities have not been renovated in decades, the federal government has failed to deliver on promised construction and modernization efforts, resulting in growing backlogs and declining educational conditions. In addition to physical infrastructure, Tribal participants emphasized the insufficient funding for school operations, staff salaries, student transportation, and culturally relevant programs. These inequities persist despite the federal government's legal obligation under treaties and the trust responsibility to provide quality education for Native students. Tribal leaders called for urgent federal action to fully fund and modernize BIE and Tribally controlled schools, treat school infrastructure as a trust priority, and implement sustained investments to close educational opportunity gaps.

## 22. Failure to Center Tribal Sovereignty in Education Governance

Tribal leaders, education professionals, and advocacy organizations emphasized that federal education policies and programs consistently fail to recognize and support Tribal sovereignty in governance, design, and delivery of education systems. Tribes expressed frustration that they are often treated as stakeholders rather than sovereign governments with legal authority over the education of their citizens. This marginalization is reflected in how the BIE, the U.S. Department of Education, and other federal entities make decisions without Tribal co-governance or meaningful input. Despite repeated calls for Tribal control over curriculum, data, assessments, and accountability measures, most policies are imposed unilaterally or through frameworks that do not reflect Tribal values, governance structures, or aspirations. They called for a full recognition of education as a sovereign right, increased Tribal self-determination in education systems, and the co-development of federal education reforms with Tribal Nations—not for them.

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## Summary of EO 14156 National Energy Emergency - Permitting Procedures – Consolidated Concerns

This analysis begins the structured consolidation of all oral and written comments received during the Tribal consultation process related to Executive Order 14156, which addresses emergency energy permitting procedures. Comments have been grouped under nine established key themes, each of which reflects a major area of concern raised consistently across consultation sessions and written submissions.

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Each theme is presented with a comprehensive summary paragraph and an accompanying list of consolidated concerns. **See Appendix D – Energy Emergency Consolidated Concerns.** These consolidated themes—such as Tribal Treaty Rights, misuse of Categorical Exclusions, and neglect of the National Historic Preservation Act (NHPA)—represent the critical intersections between Tribal sovereignty, cultural survival, environmental protection, and the pace of federal energy permitting reforms. The concerns compiled under each theme are derived directly from Tribal testimony and are presented in a unified structure to promote clarity, transparency, and accountability in federal response efforts.

This process ensures that the perspectives of all participants—regardless of region, affiliation, or format of contribution—are equitably represented and that the Department has a clear understanding of Tribal priorities in relation to development and implementation of emergency permitting policies under EO 14156.

1. Tribal Treaty Rights and Reserved Rights
2. Recognition and Integration of Traditional Knowledge
3. Categorical Exclusion (CE) Misuse and Overreach
4. Environmental Assessment (EA) and Environmental Impact Statement (EIS) Inconsistencies
5. National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) Conflicts and Shortcomings
6. Endangered Species Act (ESA) and Section 7 Failures in Tribal Consultation
7. Section 106 (Cultural Resource Protection) Disregard
8. Lack of Tribal Involvement in Early Planning and Permitting
9. Exclusion from Emergency Response and Infrastructure Planning
10. Exclusion of Elders, Youth, and Traditional Knowledge Holders
11. Disregard for Tribal Consent in Emergency or Permitting Decisions

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Tribal Nations voiced deep and consistent concerns regarding the federal government’s implementation of emergency energy permitting procedures under Executive Order 14156. Comments—submitted through both oral testimony and written statements—reflected a shared belief that these procedures pose significant threats to Tribal sovereignty, treaty rights, cultural preservation, and environmental stewardship.

Across the 11 established key themes, Tribes emphasized that the Department has failed to adequately consult with Tribal governments, honor trust and treaty obligations, or incorporate Indigenous knowledge systems into energy-related decision-making. Many expressed concern that streamlined permitting efforts prioritize speed and industry convenience at the expense of sacred sites, cultural landscapes, subsistence practices, and environmental justice. Recurring issues included the potential misuse of categorical exclusions, the exclusion of Tribes from early planning stages, and failures to comply with legal requirements under the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Endangered Species

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Act (ESA), and Section 106. Tribes also highlighted the exclusion of elders, youth, and traditional knowledge holders in federal decision-making processes, and Tribes expressed alarm at federal actions that bypass Tribal consent, particularly in energy permitting decisions under emergency declarations.

Tribal participants uniformly called for a halt to permitting reforms that circumvent Tribal consent, the development of binding Tribal consultation protocols, and the creation of interagency frameworks that center Indigenous perspectives in all emergency energy permitting decisions. The comments reflect a clear message: energy security should not come at the cost of Indigenous rights, and Tribal Nations must be treated as equal sovereigns in shaping the future of the nation's energy infrastructure when development impacts Tribal interests.

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## 1. Tribal Treaty Rights and Reserved Rights

Tribal leaders across regions expressed deep alarm that energy emergency permitting efforts under EO 14156 are proceeding without proper recognition, protection, or enforcement of Tribal treaty and reserved rights. These rights—including hunting, fishing, gathering, and access to sacred sites—are not discretionary or symbolic, but legally binding obligations rooted in treaties, executive orders, court rulings, and federal trust responsibility. Tribes emphasized that many proposed or fast-tracked energy projects pose direct threats to culturally and ecologically significant landscapes, water sources, and natural resources that Tribes have the right to steward and access. Concerns were especially pronounced regarding permitting activities on ceded lands and within treaty-protected territories beyond reservation boundaries. Tribal leaders consistently asserted that permitting cannot be lawfully advanced without fully honoring their consent, consultation, and co-management rights. They called for the explicit integration of treaty obligations into every stage of the permitting process, including through binding consultation frameworks and federal interagency protocols that treat Tribal Nations as equal sovereigns.

## 2. Recognition and Integration of Traditional Knowledge

Tribal leaders, cultural practitioners, and environmental stewards emphasized that federal permitting procedures under EO 14156 continue to marginalize or omit Traditional Ecological Knowledge (TEK) in decision-making processes. TEK—rooted in generations of lived experience and interdependence with land, water, and ecosystems—is essential to identifying long-term environmental risks and culturally appropriate mitigation strategies. Yet Tribes noted that the Department often treats traditional knowledge as anecdotal or symbolic, rather than as a valid and necessary science. Tribal leaders highlighted that permitting assessments conducted without Indigenous knowledge are inherently incomplete and risk irreparable harm to sacred sites, medicines, species, and subsistence practices. They urged the federal government to utilize TEK in conjunction with Western science, ensure cultural protocols are respected, and

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embed Indigenous knowledge holders as full partners in all stages of permitting review, environmental assessment, and mitigation planning.

### 3. Categorical Exclusion (CE) Misuse and Overreach

Tribal leaders expressed strong objections to the expanded and expedited use of Categorical Exclusions (CEs) under EO 14156, warning that this practice bypasses Tribal consultation, environmental review, and trust obligations. CEs are intended to apply only to projects with minimal environmental impact, but Tribes are worried that the Department will use them to approve complex infrastructure development—including transmission lines, roads, and resource extraction—without adequate Tribal notice or involvement. Many Tribes emphasized that CEs may increasingly be used as a loophole to fast-track energy projects without compliance with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), or Section 106. The misuse of CEs erodes Tribal rights, undermines environmental and cultural protections, and reflects a broader federal pattern of privileging administrative speed over meaningful engagement. Tribal leaders called for limits on CE authority, mandatory Tribal notification and review, and greater oversight to prevent abuse under the guise of “emergency” response.

### 4. Environmental Assessment (EA) and Environmental Impact Statement (EIS) Inconsistencies

Tribal leaders and environmental professionals raised serious concerns about the inconsistent, incomplete, and exclusionary application of Environmental Assessments (EAs) and Environmental Impact Statements (EISs) in the energy permitting process. Tribes emphasized that these foundational tools under the National Environmental Policy Act (NEPA) could be rushed, manipulated, or bypassed under EO 14156, resulting in flawed analyses that disregard Tribal cultural, ecological, and legal interests. Tribal leaders described cases where the Department either failed to produce meaningful environmental reviews or treated Tribal input as an afterthought. These issues are exacerbated by short comment periods, inaccessible documents, and the use of outdated baseline data. Tribes also highlighted that EAs and EISs rarely address cumulative impacts or Indigenous-defined environmental risks. They called for Tribal co-authorship of environmental reviews, consistent interagency standards, and the explicit integration of treaty and trust responsibilities into every stage of environmental analysis.

### 5. National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) Conflicts and Shortcomings

Tribal leaders expressed serious concerns that the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA)—the two primary statutes meant to protect cultural and environmental resources—are being inconsistently applied, misinterpreted, or weakened under EO 14156. While both laws require the Department to consider the impacts of

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projects on cultural sites, sacred landscapes, and ecological systems, Tribes reported that these processes are often rushed or bypassed entirely in the name of energy emergency response. Tribes emphasized that the Department is failing to uphold its legal obligations under Sections 106 (NHPA) and NEPA by conducting perfunctory reviews, minimizing impacts on Tribal resources, and ignoring Tribal input. Furthermore, Tribes noted a lack of coordination between NHPA and NEPA reviews, resulting in fragmented or contradictory outcomes. Tribal Historic Preservation Officers (THPOs) are frequently left out of planning and decision-making, and many Tribes lack the resources to participate meaningfully due to tight timelines, technical complexity, and underfunded consultation infrastructure. They called for stronger legal enforcement, early and consistent involvement of THPOs, and co-management of cultural resource assessments and protection plans.

## 6. Endangered Species Act (ESA) and Section 7 Failures in Tribal Consultation

Tribal leaders expressed deep concern that the implementation of the Endangered Species Act (ESA)—particularly Section 7 consultations—is failing to incorporate Tribal knowledge, participation, and stewardship responsibilities. Section 7 requires the Department to consult with the U.S. Fish and Wildlife Service or the National Oceanic and Atmospheric Administration (NOAA) Fisheries to ensure that proposed actions do not jeopardize listed species or destroy critical habitat. However, Tribes noted that these consultations routinely proceed without notifying or involving affected Tribal governments, even when endangered species are central to Tribal lifeways, economies, or ceremonial practices. Tribal leaders emphasized that Tribal ecological knowledge, including habitat health, migration patterns, and ecosystem relationships, is often disregarded. Moreover, rapid permitting under EO 14156 is seen as a mechanism to rush or circumvent ESA reviews, further marginalizing Tribal voices. Tribal leaders called for mandatory Tribal inclusion in ESA consultations, protection of culturally important species, and recognition of Tribes as co-managers of threatened ecosystems.

## 7. Section 106 (Cultural Resource Protection) Disregard

Tribal leaders voiced strong opposition to the widespread failure of the Department to uphold their obligations under Section 106 of the National Historic Preservation Act (NHPA), which requires consultation with Tribes when federal undertakings may affect historic properties, including those of religious and cultural significance. Many Tribes expressed concern that energy permitting actions may increase without proper Tribal engagement or cultural resource surveys. Section 106 processes are often abbreviated, opaque, or treated as a procedural formality—leaving sacred sites, burial grounds, and other irreplaceable resources unprotected. Tribal participants emphasized that Tribal Historic Preservation Officers (THPOs) are excluded from project scoping, that surveys are often conducted without Tribal oversight, and that findings of “no effect” are made prematurely. Tribes called for early and meaningful Section 106 consultation, improved cultural resource identification protocols, and enforceable protections that prioritize Tribal consent and cultural survival.

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## 8. Lack of Tribal Involvement in Early Planning and Permitting

Tribal leaders and representatives repeatedly stressed that early, proactive engagement is essential to protecting Tribal rights, resources, and sovereignty—but that such involvement is largely absent in the current process. Tribes consistently reported being notified only after key decisions had already been made or when project designs were too far along to influence meaningfully. This practice undermines both the spirit and letter of federal consultation mandates and exposes Tribal communities to unnecessary risk and harm. Tribes emphasized that true Nation-to-Nation engagement requires inclusion during project conception, not just at the review or mitigation stage. Without early involvement, Tribes are denied the opportunity to identify culturally significant sites, propose alternative routes, or prevent cumulative impacts. They called for binding policies that embed Tribal participation in all pre-permitting activities, including site selection, scoping, and interagency coordination.

## 9. Exclusion from Emergency Response and Infrastructure Planning

Tribal leaders voiced strong concern that they are systematically excluded from national and regional emergency response frameworks, including those related to energy infrastructure, disaster preparedness, and climate resilience. The acceleration of permitting for emergency energy projects has further revealed that Tribes are not being treated as full partners in emergency planning processes. Tribal leaders emphasized that despite being among the most vulnerable to extreme weather, utility failure, and environmental degradation, Tribes are often last to receive support—or left out entirely—when federal infrastructure plans are developed. Tribes reflected that emergency declarations and infrastructure investments routinely bypass Tribal governments, overlook rural and remote needs, and fail to include Tribal data and priorities. They called for co-equal involvement in emergency preparedness, climate adaptation, and energy resilience planning, as well as long-term investments in Tribal-led infrastructure projects.

## 10. Exclusion of Elders, Youth, and Traditional Knowledge Holders

Tribal representatives emphasized the critical role of elders, youth, and traditional knowledge holders in sustaining Indigenous governance, cultural identity, and intergenerational resilience. Despite this, federal consultation practices, program designs, and policy frameworks often exclude these voices, resulting in decisions that lack cultural grounding and community legitimacy. Elders possess generational wisdom vital to understanding land stewardship, governance traditions, and ceremonial protocols, while youth bring innovative perspectives and are the inheritors of Tribal futures. Many Tribal representatives also noted that knowledge keepers are frequently sidelined in agency-led research, education reform, and climate resilience planning, even when their expertise is essential to cultural survival. They called for formal recognition of elders and traditional knowledge holders in all Tribal consultation and

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planning processes, as well as investments in language, mentorship, and community programs that center youth and intergenerational leadership.

## 11. Disregard for Tribal Consent in Emergency or Permitting Decisions

Tribal leaders expressed serious concern that the Department may move forward with emergency energy permitting, infrastructure deployment, and land management decisions without securing free, prior, and informed Tribal consent. Tribes worry that if the Department relies on emergency declarations or “categorical exclusions” that justify the bypassing of consultation requirements. Tribal leaders emphasized that mere notification or limited engagement does not constitute consent—particularly when decisions directly impact Tribal lands, sacred sites, or subsistence resources. Some Tribes noted that their objections to specific projects were disregarded, while others reported being invited to consult only after decisions had been finalized. These patterns were viewed as both a legal failure to uphold the trust responsibility and a moral erosion of Tribal sovereignty. They called for the inclusion of “free, prior, and informed consent” to be embedded in federal emergency protocols, permitting frameworks, and agency response plans.

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## Summary of Cross-Cutting Concerns

In addition to the 33 consolidated key themes previously identified under Executive Orders 14210 and 14156, a focused review of all oral and written Tribal comments revealed 13 cross-cutting concerns that appeared either across multiple themes, in unique testimony, or within region-specific submissions. These concerns reflect structural inequities and emerging governance challenges that were not fully addressed under existing categories but remain highly relevant to Tribal sovereignty, federal accountability, and culturally grounded policymaking.

Each theme is presented with a comprehensive summary paragraph and an accompanying list of concerns. **See Appendix E – Cross-Cutting Concerns.** The following 13 cross-cutting concerns have been organized into distinct themes to elevate underrepresented voices and ensure the final record reflects the full range of Tribal input. These themes include issues such as the disregard for Tribal consent in federal permitting actions, exclusion of urban Native communities, marginalization of Tribal utility authorities, and the lack of legal enforcement mechanisms to uphold the trust responsibility. Each concern will be summarized to reflect the specific Tribal perspectives shared and to promote transparency, responsiveness, and equity in the implementation of both Executive Orders.

This additional grouping ensures that all substantive issues raised by Tribal Nations—whether broadly echoed or raised only once—are included in the final record and can help to inform a more complete and just federal response.



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1. Lack of Legal Enforcement Mechanisms for Federal Accountability
  2. Federal Misinterpretation of Tribal Consultation as Outreach or Notification
  3. Exclusion of Urban Indian Communities from Federal Program Design
  4. Failure to Support Tribal Emergency Preparedness and Climate Resilience
  5. Inadequate Respect for Tribal Languages in Government Communication
  6. Undervaluing of Indigenous Science in Federal Environmental Policy
  7. Insufficient Integration of Tribal Economies into National Energy Strategy
  8. Lack of Federal Coordination with Tribal Utility Authorities
  9. Neglect of Intergenerational Trauma in Workforce and Education Programs
  10. Limited Access to Legal and Technical Assistance for Small Tribes
  11. Ongoing Effects of Federal Neglect on Native Women and Families
  12. Minimal Support for Cross-Jurisdictional Tribal Law Enforcement
  13. Insufficient Tribal Access to Federal Energy Data and Modeling Tools
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In reviewing the full breadth of comments submitted by Tribal leaders, Tribal representatives, intertribal organizations, educators, and advocates in response to Executive Orders 14210 and 14156, it became clear that several critical issues—while not fully encapsulated by the 33 established key themes—emerged repeatedly or meaningfully across diverse contexts. These 13 Cross-Cutting Concerns reflect deeper systemic challenges that cut across topic areas, governance structures, and regional boundaries. They speak to longstanding frustrations with federal power imbalances, gaps in trust responsibility enforcement, and the persistent exclusion of certain populations and knowledge systems.

These commenters raised concerns about the lack of enforceable legal mechanisms to hold agencies accountable and the invisibility of Indigenous science and Tribal utility authorities in climate and infrastructure planning. These cross-cutting issues also reflect unmet needs and legal capacity for small Tribes.

While many of these concerns were raised by a limited number of commenters, their relevance is far-reaching. They call for a federal response that not only addresses administrative efficiency or procedural compliance but also centers Tribal consent, cultural integrity, and structural equity as cornerstones of Nation-to-Nation relationships.

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## 1. Lack of Legal Enforcement Mechanisms for Federal Accountability

Tribal concerns across both EO 14210 and EO 14156 emphasized the absence of clear, enforceable mechanisms to hold the Department accountable when it fails to meet trust obligations, consultation duties, or service responsibilities. While many agencies cite policies and frameworks intended to support Tribal engagement and equity, Tribes noted that these tools often lack statutory force or binding consequences. As a result, Tribal governments are left without meaningful recourse when federal actors violate trust principles, mismanage programs,

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ignore consultation, or delay critical services. Several Tribes noted that appeals processes are inconsistent or inaccessible, and that judicial or administrative remedies are limited, costly, or ineffective. The absence of Tribal consent standards, binding consultation timelines, and penalties for noncompliance further weakens Tribal rights in practice. Tribes called for the development of a formal legal and regulatory framework to ensure that federal duties toward Tribal Nations are enforceable—not merely aspirational.

## 2. Federal Misinterpretation of Tribal Consultation as Outreach or Notification

Tribes repeatedly raised concerns that the Department continues to misinterpret Tribal consultation as a procedural formality—limited to outreach, informational briefings, or notification—rather than as a meaningful, two-way, government-to-government engagement. Tribal leaders emphasized that consultation should be grounded in mutual respect, informed dialogue, and shared decision-making authority, consistent with the principles of Tribal sovereignty and the federal trust responsibility. However, many described experiences where consultation consisted of mass email notices, last-minute invitations, or presentations with no opportunity for Tribal response, input shaping, or decision-making influence. This misapplication of consultation process undermines trust, delays project implementation, and deepens perceptions of federal indifference to Tribal governance. They called for a mandatory, enforceable consultation standard for the Department—one that reflects true Nation-to-Nation engagement and ensures Tribal input materially affects outcomes.

## 3. Exclusion of Urban Indian Communities from Federal Program Design

Tribal commenters and Native advocacy organizations raised concerns about the persistent exclusion of urban Indian communities from federal program design, funding allocations, and policy consideration. While over 70% of Native people now live in urban areas—many due to federal relocation policies—the Department continues to structure services, benefits, and consultation practices primarily around reservation-based or federally recognized Tribal governments. As a result, urban Indian populations often face severe gaps in healthcare access, education services, housing support, and culturally appropriate programming. Commenters noted that Urban Indian Organizations (UIOs) remain underfunded and under-consulted, despite serving large Native populations. This exclusion reinforces systemic disparities and overlooks the interconnected nature of Tribal communities, both rural and urban. They urged the Department to modernize program structures to reflect Native realities, while respecting the role of Tribes as sovereign governments.

## 4. Failure to Support Tribal Emergency Preparedness and Climate Resilience

Many Tribal leaders expressed that the Department has failed to adequately support Tribal Nations in preparing for and responding to climate change impacts and emergency events—

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including wildfires, flooding, energy disruptions, pandemics, and environmental degradation. Despite bearing disproportionate burdens from climate change and environmental risk, Tribes remain underfunded, excluded from national emergency planning, and often forced to navigate fragmented funding streams to build local capacity. Several Tribes emphasized that climate resilience requires more than infrastructure; it requires restoration of Indigenous ecological knowledge, land access, culturally grounded recovery planning, and sustained interagency coordination. Tribes further noted that the federal emergency response framework rarely acknowledges Tribal jurisdiction, leading to inconsistent aid, poor coordination with FEMA and BIA, and limited direct funding. They called for expanded and flexible emergency preparedness funding, full inclusion in climate resilience strategies, and respect for Indigenous-led responses.

## 5. Inadequate Respect for Tribal Languages in Government Communication

Tribal representatives and educators voiced concern that the Department consistently overlooks the importance of Tribal languages in communications, outreach, education, and policy implementation. Despite longstanding commitments to cultural preservation and language revitalization, federal programs often fail to accommodate, support, or prioritize the use of Indigenous languages in official materials, public notices, educational content, and consultation sessions. These commenters emphasized that language is foundational to Tribal identity, cultural continuity, and intergenerational knowledge transfer. Several Alaska Tribes noted that critical documents—especially those related to land use, health, and environmental policy—are distributed only in English, excluding elders, first-language speakers, and traditional knowledge holders. Others criticized federal reluctance to fund Tribal language efforts, even when tied to education or public health outcomes. They called for deeper agency commitment to language equity, cultural relevance, and Indigenous linguistic sovereignty.

## 6. Undervaluing of Indigenous Science in Federal Environmental Policy

Tribal leaders, environmental professionals, and cultural advisors expressed deep concern that the Department continues to undervalue or exclude Indigenous science—especially Traditional Ecological Knowledge (TEK)—in environmental policy, permitting, and land management decisions. While the Department cites Indigenous knowledge as important, commenters noted that few federal decision-making frameworks incorporate it meaningfully, equitably, or early in the process. Tribes emphasized that TEK is not anecdotal or symbolic; it is a comprehensive, place-based system of ecological governance developed over millennia. Tribes pointed to successful Tribal-led environmental stewardship programs but noted that such efforts are often siloed, underfunded, or treated as “complementary” to Western science. They called for federal co-management models, mutual respect for Indigenous and academic knowledge systems, and the integration of Indigenous science in agency rulemaking and climate strategies.

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## 7. Insufficient Integration of Tribal Economies into National Energy Strategy

Tribal leaders and energy professionals raised concerns that federal energy policy—particularly under the national push for clean energy, transmission development, and energy emergency preparedness—largely ignores or marginalizes Tribal economic priorities. Despite Tribal lands holding vast renewable and conventional energy resources, commenters emphasized that Tribes are often left out of national strategy discussions, investment planning, and benefit-sharing frameworks. Some Tribes reported being consulted only after projects were designed or being offered minimal compensation for energy infrastructure crossing their lands. Others noted that procurement and financing programs systematically exclude Tribal governments, Tribal enterprises, and Tribal utility authorities. Commenters called for a fundamental shift: Tribal energy development should be recognized not only as a land use issue, but as a sovereign economic engine that must be integrated into national energy planning, resilience investments, and permitting reform efforts.

## 8. Lack of Federal Coordination with Tribal Utility Authorities

Tribal leaders with established utility authorities—such as energy, water, and broadband systems—voiced concerns that the Department does not adequately engage or coordinate with these entities in infrastructure planning, emergency response, or funding distribution. While Tribal utility authorities (TUAs) are critical for delivering essential services in remote and underserved communities, commenters noted that they are routinely left out of interagency infrastructure conversations, grant design, and emergency operations coordination. This results in delays, service gaps, and missed opportunities for efficiency and co-investment. Tribes emphasized that TUAs operate with legal authority under Tribal governments and must be treated as equal partners to state or municipal utility counterparts. Better coordination would not only improve service delivery but also reinforce Tribal self-governance and local control of essential infrastructure.

## 9. Neglect of Intergenerational Trauma in Workforce and Education Programs

Tribal leaders and educators expressed deep concern that federal workforce development, education, and social service programs often fail to account for the ongoing effects of intergenerational trauma caused by federal policies—including boarding schools, land dispossession, forced assimilation, and cultural suppression. These historical harms continue to shape mental health, educational attainment, workforce participation, and family stability across Native communities. Commenters stressed that without trauma-informed design and culturally grounded support systems, federal programs may unintentionally reinforce cycles of hardship. Tribes called for integration of healing-centered approaches, community-based mental health resources, and culturally relevant pedagogy in all programs targeting Native

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populations. Some also highlighted the need for direct funding to support Tribal-led trauma recovery initiatives that honor Indigenous knowledge, language, and ceremony.

## **10. Limited Access to Legal and Technical Assistance for Small Tribes**

Tribal leaders from small, rural, and under-resourced Nations consistently raised concerns about the lack of adequate legal, technical, and administrative assistance needed to meaningfully engage with federal policies, programs, and funding opportunities. While larger Tribes may have dedicated legal counsel or planning departments, smaller Tribes often rely on a handful of staff who must manage multiple responsibilities without sufficient support. This disparity creates systemic barriers to participation in consultation, regulatory comment processes, grant applications, and compliance with federal mandates. Some Tribes noted that legal and technical assistance made available through national organizations is limited in scope or inaccessible due to cost or geography. As a result, small Tribes are often excluded from shaping policy outcomes or securing critical funding. They called for direct federal investment in legal and technical capacity-building tailored to the unique needs of small and rural Tribal governments.

## **11. Ongoing Effects of Federal Neglect on Native Women and Families**

Tribal advocates and service providers highlighted the continued federal failure to address the disproportionate violence, health disparities, and systemic neglect faced by Native women, girls, and families. Despite multiple initiatives focused on Missing and Murdered Indigenous Women (MMIW), maternal health, and child welfare, commenters described federal responses as inconsistent, underfunded, and largely symbolic. Many policies and programs fail to account for the compounded impacts of poverty, historical trauma, jurisdictional gaps, and intergenerational displacement. These advocates also pointed to the erosion of culturally rooted family systems due to federal impositions, including removal policies and forced assimilation. They urged agencies to recognize Native women and families as central to Tribal well-being and to commit to coordinated, trauma-informed, and culturally specific policy responses that restore community strength and safety.

## **12. Minimal Support for Cross-Jurisdictional Tribal Law Enforcement**

Tribal leaders and public safety officials expressed urgent concern about the federal government's ongoing failure to support Tribal law enforcement agencies in navigating cross-jurisdictional complexities. While many Tribes operate police departments under self-governance compacts or Tribal authority, they are often forced to work across overlapping and inconsistent legal boundaries with federal, state, and local agencies. Tribes described chronic underfunding, high staff turnover, lack of cross-deputization agreements, and insufficient federal coordination with Tribal law enforcement. In many cases, jurisdictional gaps allow non-Native offenders to avoid prosecution for crimes committed on Tribal lands, undermining public safety and justice for Native communities. They called for expanded legal authority, streamlined

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intergovernmental agreements, and direct investments in law enforcement capacity building that respects Tribal sovereignty and ensures community protection.

### 13. Insufficient Tribal Access to Federal Energy Data and Modeling Tools

Tribal energy leaders and technical experts raised concerns that Tribes face persistent barriers to accessing federal energy data, mapping platforms, and modeling tools that are essential for informed decision-making, infrastructure planning, and project development. While the Department maintains expansive data systems—such as grid modeling software, renewable resource maps, and transmission planning platforms—Tribal governments are often left out of these systems or granted only limited visibility. Tribes emphasized that without equitable access to timely, localized, and actionable data, Tribes are placed at a disadvantage in energy permitting processes, federal funding competitions, and national strategy conversations. Tribes also noted that some federal models and data sets lack sufficient Tribal geospatial detail, do not integrate Indigenous knowledge systems, or ignore unique regulatory conditions on Tribal lands. They called for direct support to access and interpret energy data tools, along with the development of Tribal-specific data interfaces.

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## Summary of Government Efficiency Consolidated Recommendations

This section begins the structured presentation of consolidated Tribal recommendations, grouped by the 22 key themes identified through the full analysis of oral and written comments submitted in response to Executive Order 14210. These themes reflect the primary areas of concern raised the consultation process.

The recommendations compiled under each theme have been distilled from hundreds of individual contributions to form clear, actionable guidance for the Department. While many recommendations were echoed across regions and sessions, this consolidation process also preserves the specificity and intent of the original comments. Each key theme includes a comprehensive summary describing the focus and spirit of Tribal recommendations under that theme. A set of consolidated recommendation bullet points, capturing the major priorities advanced by Tribes to improve agency performance, respect sovereignty, and fulfill the federal trust responsibility. **See Appendix F – Government Efficiency Consolidated Recommendations.**

This structure is intended to promote transparency, highlight areas of Tribal consensus, and support federal implementation efforts that are rooted in Tribal priorities and aligned with Nation-to-Nation principles.

1. Uphold the Federal Trust Responsibility in All Agency Actions
2. Strengthen Meaningful Tribal Consultation as a Mandatory Practice
3. Provide Direct Funding to Tribes

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4. Protect and Advance Tribal Self-Governance and Sovereignty
  5. Eliminate Redundant Reporting and Streamline Administrative Burdens
  6. Halt Harmful Workforce Reductions and Reorganize with Tribal Input
  7. Fully Fund and Prioritize Tribal Colleges and Universities (TCUs)
  8. Resolve Trust Services, Realty, and Probate Backlogs Promptly
  9. Support Land into Trust and Promote Tribal Economic Sovereignty
  10. Safeguard Tribal Subsistence Rights and Cultural Lifeways
  11. Improve Interagency Coordination to Support Tribal Nations
  12. Ensure Continuity of Services During Organizational Changes
  13. Expand Digital Access and Uphold Tribal Data Sovereignty
  14. Reinstate and Sustain Tiwahe and Holistic Family Programs
  15. Preserve Institutional Knowledge and Stabilize the Tribal Affairs Workforce
  16. Invest in Tribal Infrastructure and Address Facility Backlogs
  17. Advance Equity for Small, Rural, and Underserved Tribal Nations
  18. Develop a Clear Operational Plan with Metrics for EO 14210
  19. Honor the Trust Responsibility in Tribal Education Systems
  20. Fulfill Federal Obligations to Support and Sustain TCUs
  21. Correct Chronic Underfunding in Bureau-Funded and Tribal Schools
  22. Center Tribal Sovereignty in Education Governance and Policy
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Tribal Nations submitted a comprehensive and urgent set of recommendations in response to Executive Order 14210, underscoring the need to ground all government efficiency and reorganization efforts in the federal trust responsibility, Tribal sovereignty, and meaningful Nation-to-Nation engagement. The 22 consolidated key themes reflect consistent priorities expressed across all consultation sessions and written comments, with a shared call for systemic reform that empowers Tribes as self-determining governments rather than program recipients.

Tribes called on the Department to codify and enforce the trust responsibility, embed Tribal consultation as a mandatory process across agencies, and transition from indirect service delivery to direct funding models that reduce reliance on intermediaries. There was widespread concern that federal workforce reductions, bureaucratic restructuring, and fragmented program oversight—if implemented without Tribal input—could severely disrupt essential services and violate treaty and trust obligations. To that end, Tribes recommended halting harmful workforce changes, addressing staffing and service gaps at BIA, BTFA, and BIE, and ensuring continuity of programs rooted in Tribal priorities, such as Tiwahe and Tribal education systems.

A significant emphasis was placed on the need to support Tribal data sovereignty, infrastructure, and digital access, particularly for small and rural Nations. Tribes also called for the stabilization of institutional knowledge, expanded legal authority for Tribal decision-making, and an equitable reallocation of resources to historically underserved Tribal communities. Across all themes, the recommendations affirm that efficiency must not come at the expense of Indigenous rights, and that EO 14210 can only succeed if it advances equity, upholds treaty commitments, and honors the distinct legal status of Tribal Nations within the federal system.

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## 1. Uphold the Federal Trust Responsibility in All Agency Actions

The Department must fully operationalize the trust responsibility as a binding legal obligation across all programs, funding mechanisms, and regulatory decisions that affect Tribal Nations. This includes prioritizing Tribal treaty rights, protecting lands and resources, and ensuring consistent access to essential services—regardless of workforce changes or organizational restructuring. The Department should establish enforceable standards for trust compliance, including annual reporting metrics, and mandate cultural and legal training for all staff whose work impacts Indian Country. Tribal leaders further recommend co-creating federal policies with Tribes, integrating Tribal priorities into agency planning and budget cycles, and aligning all interagency actions with the foundational obligations set by treaties, statutes, and Supreme Court precedent.

## 2. Strengthen Meaningful Tribal Consultation as a Mandatory Practice

The Department must transform Tribal consultation from a procedural formality into a mandatory, government-to-government decision-making process grounded in respect for Tribal sovereignty and self-determination. This requires revising consultation policies to require early, continuous, and documented engagement with Tribal governments before decisions are finalized—not after. The Department must replace "notice and comment" models with co-planning and co-creation processes, and implement accountability measures to track how Tribal input directly influences outcomes. Some recommend legally codifying consultation standards that recognize Tribal consent—not just input—as the threshold for projects with significant impacts on Tribal lands, resources, or rights. The Department must also expand consultation capacity by investing in regional engagement frameworks and community-specific protocols that reflect local cultural and political structures.

## 3. Provide Direct Funding to Tribes

The Department must shift away from indirect funding models and prioritize direct allocation of federal resources to Tribal governments and their authorized entities. Tribes call for the establishment of equitable, and predictable direct funding mechanisms, utilize formula-based allocations, and increase Tribal autonomy in budgeting, planning, and program delivery. The Department should revise funding structures to streamline application, disbursement, and reporting processes, ensuring that funds reach Tribes efficiently and equitably. This includes expanding permanent base funding, increasing the use of self-governance compacts and 638 contracts, and reducing competitive grant requirements that pit Tribal Nations against one another. Tribes further recommend establishing Tribal-set funding formulas and allowing multi-year or block grant structures that support long-term planning and Tribal program control.



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## 4. Protect and Advance Tribal Self-Governance and Sovereignty

The Department must actively protect and expand the rights of Tribal Nations to govern their lands, people, and resources without external interference. This includes honoring the inherent authority of Tribes to make decisions about internal affairs, program delivery, land use, and cultural preservation. The Department should defer to Tribal governance structures in all matters affecting Tribal communities and remove policy barriers that impose federal or state oversight on sovereign Tribal decisions. Tribes call for the expansion of self-governance compacts, recognition of Tribal regulatory authority, and the dismantling of policies that undermine Tribal jurisdiction—particularly in education, environmental regulation, justice, and child welfare. Additionally, the Department must establish consultation and co-management frameworks that position Tribes as equal partners in federal decision-making, not subordinate stakeholders.

## 5. Eliminate Redundant Reporting and Streamline Administrative Burdens

The Department must eliminate duplicative reporting requirements and simplify administrative processes that divert Tribal capacity away from service delivery and governance. Tribes call for a comprehensive audit of overlapping data requests, compliance forms, and performance reports required across the Department and should consolidate reporting systems, standardize templates, and provide coordinated platforms that allow Tribes to submit information once and apply it across multiple programs. Where possible, reporting should be replaced with outcome-based assessments co-developed with Tribal governments. The Department must also invest in Tribal administrative infrastructure—especially for small and under-resourced Nations—and ensure that technical assistance and compliance guidance are culturally relevant and accessible. Streamlining federal bureaucracy is essential to supporting Tribal self-determination and improving service outcomes.

## 6. Halt Harmful Workforce Reductions and Reorganize with Tribal Input

The Department must immediately halt workforce reduction initiatives and organizational restructuring efforts that negatively impact Tribal communities, especially within the BIA, BTFA and BIE. Tribes demand that any reorganization be guided by Tribal consultation and co-design, not imposed without consent or transparency. The Department should preserve and expand on the Indian Preference authority to all relevant positions within the Department with Tribal and community members who have regional knowledge, especially for rural and remote Tribal communities who depend on localized federal presence. In addition, preserve critical positions, prioritize the hiring and retention of culturally competent staff, and address long-standing staffing shortages in trust services, education, and regional offices. Reforms must include Tribal representation in workforce planning, clear timelines, and region-specific impact assessments. Tribes also recommend investing in training, succession planning, and community-based

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recruitment to strengthen the Tribal affairs workforce and prevent the loss of institutional knowledge essential to fulfilling the federal trust responsibility.

## 7. Fully Fund and Prioritize Tribal Colleges and Universities (TCUs)

The Department must fully fund and elevate the role of TCUs as essential institutions for education, workforce development, cultural revitalization, and community resilience. Tribes call for mandatory baseline funding that reflects the trust responsibility—not discretionary or competitive funding models that undermine long-term sustainability. The Department should align TCU funding with the levels received by other land-grant and minority-serving institutions, while ensuring flexibility for Tribes to design curricula that reflect Indigenous knowledge, languages, and economic priorities. The Department must also provide infrastructure support, including housing, broadband, lab facilities, and classroom upgrades, and coordinate interagency investments in TCU-led initiatives in climate, health, education, and energy. TCUs must be treated as equal partners in federal higher education policy, not peripheral recipients of one-off grants.

## 8. Resolve Trust Services, Realty, and Probate Backlogs Promptly

The Department must aggressively reduce the longstanding backlogs in trust services, realty transactions, and probate processing that delay Tribal development and infringe on property rights. This includes hiring and retaining qualified staff within the BIA's realty, title, and probate divisions and modernizing outdated systems for land records, title status reports, and lease processing. The Department should establish mandatory service timelines, performance benchmarks, and Tribal oversight mechanisms to ensure accountability. Tribes also recommend expanding delegated authority through self-governance agreements, allowing Tribes to manage realty and probate functions directly where capacity exists. Modern trust administration requires streamlined processes, equitable service delivery, and consistent communication with Tribal governments.

## 9. Support Land into Trust and Promote Tribal Economic Sovereignty

The Department must accelerate land-into-trust approvals and treat Tribal land restoration as a core strategy for economic development, cultural revitalization, and climate resilience. Tribes urge the Department to revise regulations that delay or obstruct land acquisition, especially for off-reservation parcels and Alaska Native communities. The Department must prioritize Tribal applications, eliminate arbitrary burdens of proof, and ensure that land acquisition decisions are not subject to state or local interference. In tandem, the Department should support Tribal efforts to develop trust lands through technical assistance, capital investment, and streamlined permitting processes that reflect Tribal jurisdiction and sovereignty. Restoring Tribal homelands is essential to fulfilling the trust responsibility and expanding long-term economic opportunity.

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## 10. Safeguard Tribal Subsistence Rights and Cultural Lifeways

The Department must actively protect Tribal subsistence rights, sacred sites, and cultural lifeways in all policy, permitting, and land management decisions. This requires both the Department and other federal agencies to recognize subsistence as a protected right—not merely a resource use—and to co-manage lands and waters with Tribes to ensure continued access to traditional foods, medicines, and ceremonial spaces. The Department must consult with Tribes before issuing permits or undertaking actions that could impact culturally significant landscapes and must incorporate Indigenous knowledge into environmental assessments. Tribes also call for expanded legal protections, including statutory recognition of spiritual and subsistence practices, enforcement mechanisms, and funding for Tribal stewardship programs. Cultural survival is inseparable from the federal trust obligation and must be treated as such.

## 11. Improve Interagency Coordination to Support Tribal Nations

The Department must coordinate more effectively to eliminate duplication, streamline service delivery, and respond holistically to the needs of Tribal Nations. Tribes recommend establishing dedicated interagency task forces that include Tribal representatives and are empowered to align funding streams, synchronize program goals, and remove conflicting regulations across departments. The Department should adopt shared Tribal data protocols, develop joint consultation calendars, and issue unified policy guidance to ensure consistency in Tribal engagement. Interagency coordination must also be regionally responsive, with place-based strategies that reflect the unique legal, cultural, and geographic circumstances of each Tribal Nation. Federal fragmentation weakens service outcomes and accountability—coordinated governance is essential to honoring Tribal sovereignty.

## 12. Ensure Continuity of Services During Organizational Changes

The Department must guarantee uninterrupted delivery of services to Tribal Nations during periods of reorganization, staff turnover, or administrative transition. Tribes call for contingency planning, staffing safeguards, and transparent communication protocols to prevent service gaps in education, healthcare, housing, and trust services. The Department should implement continuity of operations plans (COOP) tailored to Tribal programs, ensure redundant points of contact for each Tribe, and require that no restructuring occurs without prior consultation and mitigation planning. Additionally, Tribes recommend stabilizing regional and agency-specific service teams by investing in training, workforce retention, and institutional knowledge management. Tribal communities cannot bear the cost of federal internal restructuring that disrupts essential services.

## 13. Expand Digital Access and Uphold Tribal Data Sovereignty

The Department must close the digital divide in Indian Country and uphold the rights of Tribes to govern their own data. This includes expanding broadband infrastructure, ensuring reliable access to digital services in remote and rural communities, and funding Tribal-led technology

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initiatives. The Department must also respect Tribal data sovereignty by co-developing data-sharing agreements, protecting sensitive cultural and governance information, and avoiding unauthorized use of Tribal data for federal or third-party purposes. Tribes urge the Department to treat broadband, cybersecurity, and data governance as core components of self-determination—on par with land, education, and health services. Data access without data control undermines sovereignty; both must be advanced together.

## **14. Reinstate and Sustain Tiwahe and Holistic Family Programs**

The Department must restore and permanently fund the Tiwahe Initiative and similar holistic family-centered programs that address the interconnected challenges facing Tribal communities. Tribes advocate for expanding the Tiwahe model nationwide to support wraparound services in child welfare, behavioral health, housing, justice, and economic development. These programs must be locally designed and governed, with flexible funding streams that empower Tribes to integrate traditional practices, kinship systems, and community-based healing approaches. The Department should not treat these initiatives as pilot projects, but as long-term investments in Tribal wellbeing. Reinstating Tiwahe honors Indigenous family structures and is a direct expression of the trust responsibility to strengthen Tribal nations from within.

## **15. Preserve Institutional Knowledge and Stabilize the Tribal Affairs Workforce**

The Department must take immediate steps to retain institutional knowledge and stabilize the Tribal affairs workforce across BIA, BIE, and related agencies. The Department should document and preserve historical program knowledge, relationships, and procedural guidance that too often disappears with staff turnover. Tribes also recommend expanding hiring pipelines for Native professionals through Indian Preference, creating cultural familiarity, and establishing formal knowledge transfer protocols during staff transitions. A strong and stable workforce is essential to consistent service delivery and long-term Tribal-federal trust to document and preserve historical program knowledge, relationships, and procedural guidance that too often disappears with staff turnover. Tribes also recommend expanding Indian Preference Authority hiring pipelines for Native professionals, creating regional continuity teams, and establishing formal knowledge transfer protocols during staff transitions. A strong and stable workforce is essential to consistent service delivery and long-term Tribal-federal trust.

## **16. Invest in Tribal Infrastructure and Address Facility Backlogs**

The Department must launch a coordinated, long-term strategy to address severe infrastructure deficits in Tribal communities, including housing, transportation, schools, water systems, and energy facilities. Tribes call for direct investment in new construction, upgrades to existing facilities, and the removal of bureaucratic barriers that delay shovel-ready projects. This includes increasing funding for BIA and BIE facility repair and replacement, expanding Tribal

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eligibility for federal infrastructure grants, and streamlining permitting processes. The Department must also recognize that infrastructure is foundational to education, economic development, public safety, and health—and prioritize Tribal needs on par with state and local governments. Infrastructure justice is infrastructure sovereignty.

## **17. Advance Equity for Small, Rural, and Underserved Tribal Nations**

The Department must proactively ensure that small, rural, and geographically isolated Tribes receive equitable access to funding, programs, and technical support. Tribes recommend revising allocation formulas, grant criteria, and capacity-building initiatives that currently disadvantage communities with limited administrative resources. The Department should establish flexible eligibility thresholds, provide one-on-one application support, and create set-asides for Tribes that serve fewer citizens or operate in remote areas. Equity also requires understanding the distinct challenges these Nations face—such as lack of broadband, limited access to healthcare, and higher per-capita infrastructure costs—and designing policy accordingly. No Tribal Nation should be left behind because of its size or location.

## **18. Develop a Clear Operational Plan with Metrics for EO 14210**

The Department must publish a transparent and actionable implementation plan for Executive Order 14210 that includes Tribal consultation timelines, measurable goals, and accountability mechanisms. Tribes recommend co-developing the operational framework with Tribal governments to ensure alignment with Indigenous priorities and governance systems. The plan should include a cross-agency coordination structure, program-specific benchmarks, and regional flexibility to reflect on-the-ground realities. Progress should be regularly reported to Tribes, and metrics must measure outcomes—not just activity. Without a clear operational roadmap and Tribal oversight, EO 14210 risks becoming a symbolic gesture rather than a transformative policy.

## **19. Honor the Trust Responsibility in Tribal Education Systems**

The Department must treat Tribal education as a core trust responsibility and provide consistent, adequate, and culturally appropriate support to Tribal education systems. This includes increasing funding for K–12 Bureau-funded schools, Tribal education departments (TEDs), language programs, and early childhood development initiatives. Tribes recommend embedding cultural curricula, supporting language immersion, and allowing greater Tribal control over school operations and accountability standards. The Department must recognize that Tribal education is not simply a programmatic obligation—it is a treaty-protected right and a critical path to Tribal sovereignty. Supporting education means investing in future generations of Tribal leadership, identity, and self-determination.

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## 20. Fulfill Federal Obligations to Support and Sustain TCUs

The Department must meet its legal and moral obligations to Tribal Colleges and Universities (TCUs) through permanent, base-level funding and long-term institutional support. Tribes urge both the Department and other federal agencies to transition away from competitive, project-based grants that destabilize TCU operations and instead provide sustained funding comparable to other land-grant institutions. Support should also include infrastructure development, student housing, technology, and interagency partnerships that embed TCUs into federal research, energy, health, and climate initiatives. TCUs serve as anchor institutions in Tribal communities and are central to economic revitalization, cultural preservation, and educational equity. Fully supporting TCUs is essential to honoring the federal trust responsibility.

## 21. Correct Chronic Underfunding in Bureau-Funded and Tribal Schools

The Department must correct decades of chronic underfunding in BIE and Tribally controlled schools by establishing equitable, needs-based funding formulas that reflect the true cost of delivering high-quality education in Native communities. Tribes call for increased investments in teacher recruitment and retention, modern classroom facilities, culturally relevant materials, student mental health services, and extracurricular programming. The Department must also address facility backlogs, transportation inequities, and limited access to special education services. Funding must be stable, not dependent on competitive grants, and must account for geographic remoteness and historical disinvestment. Education justice in Indian Country starts with reliable, adequate, and culturally respectful funding for every Native learner.

## 22. Center Tribal Sovereignty in Education Governance and Policy

The Department must center Tribal sovereignty in all decisions related to education governance, curriculum development, and school accountability systems. This means transferring greater control to Tribal governments over how education is delivered, evaluated, and funded—both within BIE-operated schools and across all schools serving Native students. Tribes recommend codifying their authority to set academic standards, cultural curricula, teacher certification criteria, and assessment models that reflect community values. The Department must also uphold existing self-determination laws and reject any policies that dilute or override Tribal authority. Education sovereignty is not optional; it is foundational to Native nation-building and must be respected at every level of policy and practice.

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## Summary of Energy Emergency Consolidated Recommendations

The following section presents Tribal recommendations aligned with the 11 consolidated key themes that emerged across all oral and written comments submitted in response to Executive Order 14156. These recommendations reflect the collective expertise, legal knowledge, and

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lived experiences of Tribal leaders, environmental professionals, cultural advisors, legal representatives, and community members who participated in the consultation process.

While EO 14156 seeks to accelerate permitting procedures during national energy emergencies, Tribes stressed that such acceleration must not override Treaty rights, cultural protections, or the federal trust responsibility. The recommendations outlined here address structural gaps in permitting policy, propose safeguards against harm, and offer concrete steps to ensure that Tribal Nations are treated as sovereign co-regulators—not afterthoughts—in federal energy development processes.

Each key theme below is accompanied by a comprehensive summary paragraph and a curated list of 8–12 top recommendations to ensure clarity, transparency, and actionable guidance for the Department. **See Appendix G – Energy Emergency Consolidated Recommendations.**

1. Protect Tribal Treaty Rights and Reserved Rights in All Permitting Decisions
2. Integrate Traditional Knowledge into Federal Environmental Reviews
3. Prevent Misuse of Categorical Exclusions in Tribal Territories
4. Enforce Rigorous and Consistent EA/EIS Processes with Tribal Oversight
5. Strengthen NHPA and NEPA Protections for Tribal Lands and Resources
6. Ensure ESA Section 7 Compliance Includes Tribal Consultation
7. Respect Tribal Cultural Resource Jurisdiction Under Section 106
8. Engage Tribes Early in Federal Energy Planning and Permitting
9. Guarantee Full Tribal Participation in Emergency Energy Decision-Making
10. Include Elders, Youth, and Knowledge Holders in Federal Planning
11. Require Tribal Consent in All Emergency and Permitting Decisions

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In response to Executive Order 14156, Tribal Nations delivered a unified set of recommendations calling for the Department to ensure that emergency energy permitting reforms do not come at the expense of Tribal sovereignty, treaty rights, or environmental and cultural protections. The 11 consolidated key themes reflect widespread Tribal concerns that expedited permitting processes—particularly those involving Categorical Exclusions (CEs), Environmental Assessments (EAs), and other procedural streamlining—pose significant risks when Tribal consultation is absent, delayed, or treated as a formality.

Tribes recommended that the federal government treat Tribal Treaty Rights as legally binding constraints on all permitting decisions, with full enforcement mechanisms and procedural protections. They further urged agencies to recognize and integrate Indigenous Knowledge systems as valid and necessary sources of expertise in environmental and cultural review processes. Concerns about the misuse of Categorical Exclusions, inconsistent application of EAs and Environmental Impact Statements (EISs), and failure to uphold responsibilities under NEPA, NHPA, ESA, and Section 7 were met with detailed recommendations for Tribal consent-based processes, standardized protocols, and mandatory early-stage consultation.

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Additionally, Tribes called for increased Tribal involvement in early-stage project planning, improved interagency coordination, and respect for the principle of free, prior, and informed consent. Emphasis was placed on enhancing Tribal capacity to engage with permitting reviews, through data access, technical assistance, and funding. Ultimately, Tribal recommendations urge the Department to align energy emergency policy with the foundational principles of Tribal self-determination, environmental justice, and federal trust responsibility—ensuring that “efficiency” never comes at the cost of Indigenous rights or future generations. Tribes also recommended that the Department recognize the legal and moral imperative of obtaining Tribal consent—particularly in emergency permitting and energy development.

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## 1. Protect Tribal Treaty Rights and Reserved Rights in All Permitting Decisions

The Department must treat Tribal treaty rights as legally binding commitments that override administrative convenience in all emergency energy planning, permitting, and implementation. The Department should conduct pre-decisional, government-to-government consultation with affected Tribes and incorporate treaty obligations into every stage of policy development, permitting reviews, and environmental assessments. The Department must also recognize that energy projects—whether expedited under emergency authorities or not—can directly impact hunting, fishing, gathering, and land access rights that are protected by treaties, executive orders, and court decisions. Treaty obligations must take precedence over speed or political expediency.

## 2. Integrate Traditional Knowledge into Federal Environmental Reviews

The Department must treat Indigenous Traditional Knowledge (TK) as a coequal and co-valid source of scientific and environmental expertise when conducting environmental assessments and making permitting decisions. Tribes call for the early inclusion of cultural practitioners, elders, and traditional knowledge holders in federal energy project reviews—not as afterthoughts or ceremonial participants—but as experts whose insights can shape risk mitigation, site selection, and long-term stewardship. The Department must create formal protocols that protect the confidentiality of sacred knowledge, respect Tribal intellectual property rights, and uphold Tribal governance over how, when, and if TK is shared. Institutionalizing TK into federal review processes enhances environmental integrity, cultural respect, and intergenerational sustainability.

## 3. Prevent Misuse of Categorical Exclusions in Tribal Territories

The Department must immediately reform the use of Categorical Exclusions (CEs) under emergency energy provisions to prevent the circumvention of Tribal consultation and environmental review. Tribes strongly object to the blanket application of CEs that bypass analysis of cumulative impacts on sacred sites, subsistence resources, and treaty lands. The



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Department must establish Tribal veto authority or required consent for projects sited on or near Tribal lands or cultural areas. Furthermore, CEs must never be used to justify the elimination of National Historic Preservation Act (NHPA) or National Environmental Policy Act (NEPA) obligations. Any streamlined process must include robust safeguards to ensure that Tribal sovereignty and environmental justice are not sacrificed for administrative speed.

#### 4. Enforce Rigorous and Consistent EA/EIS Processes with Tribal Oversight

The Department must rigorously enforce Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for all energy projects affecting Tribal lands, waters, and cultural lifeways—regardless of whether they are deemed “emergency” actions. Tribes demand that EA/EIS processes be standardized across agencies and include mandatory Tribal consultation as early as possible in project planning. The Department must build Tribal co-stewardship into project scoping, cumulative impact analysis, and alternatives assessments, while granting Tribes access to all relevant technical data. Permitting shortcuts under emergency authorities cannot be used to excuse weak or inconsistent environmental analysis. Tribal Nations must serve as co-evaluators, not passive consultees, to ensure that EA/EIS reviews protect Indigenous lands, knowledge, and public health.

#### 5. Strengthen NHPA and NEPA Protections for Tribal Lands and Resources

The Department must reinforce and enforce National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) protections for Tribal cultural, environmental, and historical resources—even during declared emergencies. Tribes call for the establishment of mandatory Tribal consent for projects that may disturb sacred sites, cultural landscapes, or traditional use areas. Section 106 and NEPA compliance must not be waived or diminished through executive orders or emergency permitting schemes. The Department must provide Tribes with real decision-making power and sufficient time to evaluate impacts before approvals are granted. Federal preservation and environmental laws must serve as bulwarks against harm—not as procedural boxes to check on the path to energy development.

#### 6. Ensure ESA Section 7 Compliance Includes Tribal Consultation

The Department must strengthen implementation of the Endangered Species Act (ESA), particularly Section 7 consultation, to fully include Tribal governments in decisions affecting threatened and endangered species on or near Tribal lands. Tribes emphasize that ESA compliance must recognize Tribal ecological knowledge and land stewardship practices, and must prevent species protections from being overridden by emergency energy priorities. The Department must establish a consistent Tribal engagement framework in all ESA Section 7 biological assessments, especially where cultural species, ceremonial species, or traditional food

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sources are at stake. Tribal sovereignty and species protection are mutually reinforcing, and federal consultation must reflect this.

## 7. Respect Tribal Cultural Resource Jurisdiction Under Section 106

The Department must respect and uphold Tribal authority over cultural resources during all Section 106 reviews under the National Historic Preservation Act (NHPA). Tribes emphasize that consultation must go beyond notification and involve shared decision-making regarding identification, evaluation, and treatment of culturally significant sites. The Department must defer to Tribal Historic Preservation Officers (THPOs) as the primary authorities on cultural heritage within their jurisdictions and provide funding and capacity support to ensure full participation. Emergency permitting under EO 14156 must not bypass or compress Section 106 review. Instead, it must reinforce Tribal jurisdiction and establish protocols for halting or redirecting projects that pose a threat to sacred places or burial grounds.

## 8. Engage Tribes Early in Federal Energy Planning and Permitting

The Department must engage Tribes at the earliest stages of energy project planning, long before formal permitting or environmental review begins. Tribes consistently assert that early involvement prevents conflicts, strengthens outcomes, and upholds the federal trust responsibility. The Department must require early outreach in project scoping, site identification, and alternatives analysis—ensuring Tribes have a meaningful opportunity to influence project design and location. This engagement must be formalized in the Department policy, with timelines that allow for community input, intergenerational dialogue, and integration of cultural knowledge. Tribes are not stakeholders—they are sovereigns—and early engagement is essential to honoring that status.

## 9. Guarantee Full Tribal Participation in Emergency Energy Decision-Making

The Department must guarantee full Tribal participation in all emergency energy decisions, ensuring that sovereignty is not overridden by urgency. Tribes insist that EO 14156 and similar directives must not diminish their inherent rights to govern lands, protect cultural resources, and ensure environmental justice. The Department must codify procedures for real-time Tribal consultation, Tribal written consent, and formal Tribal representation in emergency task forces or interagency coordination bodies. Emergency declarations must not be used to sidestep Tribal voices. Instead, Tribal Nations must be partners in shaping national responses that affect their lands, economies, and future generations.

## 10. Include Elders, Youth, and Knowledge Holders in Federal Planning

The Department must formally include Tribal elders, youth, and traditional knowledge holders in the development of policies, programs, and planning efforts that affect Native communities.

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Tribes urge agencies to create standing advisory roles, participatory frameworks, and cultural protocols that recognize these individuals as essential contributors to governance—not symbolic participants. The Department should fund intergenerational engagement initiatives, create space for cultural authorities to inform scientific and policy processes, and support community-based efforts to preserve and transmit traditional knowledge. Elevating these voices ensures that federal actions reflect the full spectrum of Tribal values, cultural resilience, and long-term vision.

## 11. Require Tribal Consent in All Emergency and Permitting Decisions

The Department must recognize that Tribal consent—not mere consultation—is essential in any emergency or energy-related decision that affects Tribal lands, waters, cultural resources, or rights. Tribes urge the Department to establish binding consent protocols for all permitting actions conducted under expedited authorities, including EO 14156. Tribal consent must be obtained through government-to-government processes that respect each Tribe’s decision-making structure and timeline. The Department must not interpret silence or non-participation as approval. True consent reflects free, prior, and informed agreement, and must be formally recorded and upheld. This shift from consultative notification to consent-based governance is foundational to Tribal sovereignty, legal integrity, and lasting trust between governments.

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## Summary of Cross – Cutting Recommendations

The following section presents Tribal recommendations aligned with the 13 Cross-Cutting Concerns that were consistently raised across both oral and written comments submitted during the consultation process for Executive Orders 14210 and 14156. These cross-cutting concerns capture systemic, intersectional, and often under-addressed issues that impact Tribal Nations regardless of geographic location, programmatic area, or agency jurisdiction.

While not always directly tied to a single executive order or policy provision, these concerns emerged as vital to ensuring equity, accountability, and the full realization of Tribal sovereignty. The recommendations address longstanding federal deficiencies in areas such as enforcement of Tribal consent, intergenerational trauma, urban Indian invisibility, gender justice, access to legal and technical support, and the integration of Indigenous knowledge and science.

Each concern is paired with a comprehensive summary paragraph and a focused set of 8–12 priority recommendations intended to provide the Department with practical, inclusive, and actionable guidance. **See Appendix H – Cross – Cutting Recommendations.** These recommendations serve to close gaps left by EO-specific reforms and ensure that all Tribal voices—especially those less frequently heard—are meaningfully reflected in the federal response.

1. Establish Legal Mechanisms to Enforce Federal Accountability

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2. Redefine Tribal Consultation as Consent, Not Notification
  3. Include Urban Indian Communities in Federal Program Design
  4. Fund Tribal Emergency Preparedness and Climate Resilience Efforts
  5. Protect and Promote Tribal Languages in Federal Communications
  6. Elevate Indigenous Science in Environmental and Energy Policy
  7. Integrate Tribal Economies into National Energy Strategies
  8. Coordinate with Tribal Utility Authorities in Energy Planning
  9. Address Intergenerational Trauma in Tribal Workforce and Education
  10. Expand Legal and Technical Support for Small and Underserved Tribes
  11. Address Federal Neglect of Native Women, Families, and Safety
  12. Support Cross-Jurisdictional Tribal Law Enforcement Solutions
  13. Ensure Tribal Access to Federal Energy Data and Modeling Tools
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The recommendations aligned with the 13 Cross-Cutting Concerns reflect Tribal Nations' insistence that federal reforms under Executive Orders 14210 and 14156 must address not only procedural gaps but also deep-rooted structural inequities, historical harms, and overlooked populations. While many of these issues were not fully captured in the established key themes of each EO, they emerged powerfully across consultations—revealing urgent needs in areas such as gender justice, urban Indian inclusion, cross-jurisdictional enforcement, and the integration of Indigenous science.

Tribes recommended that the federal government should establish enforceable legal mechanisms to ensure accountability across federal agencies, including the Department. They called for support to urban Indian communities and small or rural Nations often excluded from direct funding and decision-making. Recommendations also highlighted the need to center Native women and families, address intergenerational trauma, and expand culturally grounded services that promote safety, healing, and leadership.

Additional recommendations urged the Department to include Indigenous Knowledge systems in environmental policy, support Tribal utility and energy sovereignty, and create equitable access to federal data systems. Across all concerns, Tribes emphasized the importance of co-creation, not consultation after the fact, and called for systemic changes that honor Tribal governance, affirm cultural identity, and promote long-term community well-being. These cross-cutting recommendations serve as a critical supplement to EO-specific reforms and reinforce the need for holistic, inclusive federal policymaking.

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## 1. Establish Legal Mechanisms to Enforce Federal Accountability

The Department must create enforceable mechanisms that allow Tribes to hold the federal government accountable for failures to fulfill trust and treaty obligations. Tribes call for the establishment of administrative, legislative, or judicial remedies when agencies neglect

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consultation requirements, bypass legal mandates, or inflict harm through energy, environmental, or education decisions. This includes the ability to challenge agency actions in court or through independent oversight bodies, and to access damages or mitigation where harm occurs. Tribal Nations emphasize that good faith is not enough; accountability must be built into systems of law, funding, and agency procedure. Federal promises must carry legal consequences when broken.

## 2. Redefine Tribal Consultation as Consent, Not Notification

The Department must fundamentally redefine consultation as a process that secures Tribal consent rather than merely providing notice or soliciting input. Tribes across all regions emphasized that consultation remains ineffective when the Department view it as a procedural step rather than a legal obligation grounded in the federal trust responsibility. The Department must co-develop consultation policies with Tribes that embed consent-based standards, include timeframes that accommodate community decision-making, and establish Tribal veto power over actions that threaten lands, rights, or lifeways. This redefinition must appear in federal rulemaking, permitting guidelines, and internal training, ensuring that all staff understand and respect Tribal sovereignty in every consultation context.

## 3. Include Urban Indian Communities in Federal Program Design

The Department must explicitly include urban Indian populations and their representative organizations in the design, implementation, and evaluation of federal programs and funding streams. Urban Native communities face persistent exclusion from Tribal-specific initiatives despite their cultural continuity and historical displacement. The Department must establish dedicated funding mechanisms, planning authorities, and technical assistance programs to ensure that urban Indians receive equitable access to healthcare, education, housing, and environmental protections. This includes direct collaboration with urban Indian organizations and recognition of the interjurisdictional realities that shape their experiences. Equity for urban Native peoples is inseparable from the broader federal trust responsibility.

## 4. Fund Tribal Emergency Preparedness and Climate Resilience Efforts

The Department must prioritize direct funding for Tribal emergency preparedness, disaster response, and long-term climate resilience—especially in light of escalating energy development and climate impacts. Tribes consistently emphasized that they are frontline responders to natural disasters and environmental degradation but are often excluded from state-administered aid and national emergency frameworks. The Department must create dedicated Tribal emergency management funding streams, integrate Tribal input into FEMA and DOE planning, and support the development of culturally grounded climate adaptation strategies. Resilience planning must be proactive, not reactive, and Tribes must have the authority and resources to lead it on their own terms.

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## 5. Protect and Promote Tribal Languages in Federal Communications

The Department must actively protect, promote, and integrate Indigenous languages across all federal communications, education programs, and emergency response systems. Tribal representatives emphasized that language is a core expression of sovereignty, identity, and resilience. The Department must support the development of language-accessible materials—including translations into Native languages—for disaster alerts, health guidance, environmental notices, and public services. Federal funding must also prioritize Tribal language revitalization efforts by investing in immersion schools, community-based documentation, and intergenerational transmission. Protecting Indigenous languages is not symbolic—it is a matter of legal and cultural continuity that demands federal investment and policy action.

## 6. Elevate Indigenous Science in Environmental and Energy Policy

The Department must elevate Indigenous science as an equal and essential pillar of environmental, energy, and climate policy. Tribal knowledge holders called for formal recognition of Indigenous ecological frameworks, seasonal calendars, place-based monitoring systems, and holistic management strategies in all agency rulemaking and permitting. The Department must fund Indigenous-led research, establish ethical co-production of knowledge protocols, and prioritize Tribal leadership in regional and national science advisory bodies. Incorporating Indigenous science is not an optional enhancement—it is a necessary correction to colonial-era decision-making and a proven foundation for sustainable land stewardship in the face of climate crisis and energy transition.

## 7. Integrate Tribal Economies into National Energy Strategies

The Department must fully integrate Tribal economic development priorities into national energy strategies and funding initiatives. Tribal commenters stressed that energy transition policies often overlook or marginalize the economic potential and sovereignty of Tribal Nations. The Department must develop Tribal-specific investment tracks within energy infrastructure grants, tax credits, workforce development, and entrepreneurship programs. This includes direct support for Tribal utilities, energy cooperatives, and renewable energy projects—especially those grounded in cultural values and local control. Tribal economic self-determination must be treated as a national asset, not an afterthought, and federal energy policy must reflect that priority through planning, resources, and long-term partnerships.

## 8. Coordinate with Tribal Utility Authorities in Energy Planning

The Department must formally coordinate with Tribal utility authorities, energy offices, and power providers when planning or authorizing projects that impact Tribal grids, generation sites, or transmission corridors. Tribes emphasized that unilateral federal action undermines Tribal sovereignty, creates duplication, and risks harming existing Tribal energy infrastructure. The Department must consult Tribal utility commissions and recognize their regulatory authority as part of a government-to-government relationship. Coordination should also include

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co-planning for grid resilience, interconnection, rate design, and broadband-energy integration. A proactive and respectful partnership between the Department and Tribal utility entities is essential for reliable, sustainable, and culturally appropriate energy development.

## **9. Address Intergenerational Trauma in Tribal Workforce and Education**

The Department must design and fund workforce and education programs that recognize and address the ongoing impacts of intergenerational trauma resulting from colonization, boarding schools, land dispossession, and systemic discrimination. Tribal leaders and educators emphasized that trauma-informed approaches are essential to fostering long-term success and well-being. The Department must support culturally responsive mental health services, Traditional Knowledge mentoring models, and community-based healing initiatives as core elements of program design. Programs should incorporate language restoration, land-based learning, and family engagement to reconnect youth with identity and community. Healing is not peripheral to development—it is foundational to rebuilding vibrant Tribal futures.

## **10. Expand Legal and Technical Support for Small and Underserved Tribes**

The Department must expand access to legal and technical assistance for small, rural, and underserved Tribal Nations that lack the in-house capacity to navigate complex federal systems. Tribal commenters highlighted that these Tribes are often excluded from funding and decision-making processes simply because they cannot afford consultants or legal counsel. The Department must establish dedicated funding streams for capacity-building, including Tribal legal infrastructure, grant writing, data management, environmental review, and intergovernmental negotiations. Additionally, the Department should offer on-demand federal technical assistance tailored to small Tribes, delivered in culturally appropriate formats. Equity in policy implementation requires not just equal opportunity, but equitable support.

## **11. Address Federal Neglect of Native Women, Families, and Safety**

The Department must implement and enforce policies that protect Native women, children, and families from systemic violence, exploitation, and neglect. Tribal voices across the consultation emphasized the need for stronger enforcement of the Violence Against Women Act (VAWA), expansion of tribal jurisdiction over non-Native offenders, and increased funding for culturally specific victim services. The Department must also invest in prevention efforts that address root causes, including poverty, housing insecurity, and historical trauma. Data collection on violence against Native people must be improved and Tribally controlled. Protecting Native women and families is not only a matter of justice but a core obligation of the federal trust responsibility.

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## 12. Support Cross-Jurisdictional Tribal Law Enforcement Solutions

The Department must ensure Tribal law enforcement agencies have the authority, resources, and interagency agreements necessary to operate effectively across jurisdictional boundaries. Tribal leaders cited long-standing limitations in enforcing law within checkerboarded or overlapping jurisdictions, which has contributed to high crime rates and delayed responses. The Department must expand cross-deputization programs, streamline access to federal criminal databases, and fully fund Tribal police training, infrastructure, and emergency response. DOJ and DOI must work collaboratively with Tribes to support Tribal judicial systems and establish standing agreements with neighboring state and local entities. Strengthening Tribal law enforcement is critical to public safety, justice, and Tribal sovereignty.

## 13. Ensure Tribal Access to Federal Energy Data and Modeling Tools

The Department must ensure that Tribal Nations have full access to the energy data, mapping platforms, forecasting models, and technical tools that inform national energy decisions. Tribal representatives emphasized that they are routinely excluded from federal datasets and decision-support systems used to assess energy feasibility, climate risks, transmission planning, and permitting impacts. Agencies such as DOE, DOI, and EPA must establish mechanisms for Tribes to access, interpret, and influence federal modeling tools—preferably through Tribal liaisons, shared software licenses, and technical training. Additionally, the Department must respect Tribal data sovereignty by protecting any Indigenous-contributed knowledge and ensuring co-ownership of resulting insights. Equitable participation in energy planning starts with equitable access to information.

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## Tribal Conclusion Statement

Tribal Nations and their representatives delivered a unified and urgent message throughout the consultations on Executive Orders 14210 and 14156: the federal government must realign its practices to uphold its trust and treaty obligations, center Tribal sovereignty, and fully include Tribal Nations in decisions that affect their lands, peoples, and futures.

Through hundreds of pages of oral and written testimony, Tribes expressed deep concern that current federal actions—whether framed as “efficiency” or “emergency”—continue to bypass consultation, undermine self-governance, and reinforce systemic inequities. Tribal leaders warned that the implementation of EO 14210 risks weakening already fragile Tribal-federal partnerships through workforce reductions, agency restructuring, and a misplaced emphasis on cost-cutting over relationship-building. Others emphasized that EO 14156’s push for rapid energy deployment could sideline Tribal rights, cultural lifeways, and environmental protections under the false urgency of permitting reform.

Tribal participants rejected the notion of consultation as mere outreach or post-decision notification. They called on the Department to build consultation on mutual respect,



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transparency, and—where possible—Tribal consent. Tribes insisted that any effort to increase government efficiency must begin by strengthening Tribal capacity, increasing direct funding, and removing bureaucratic barriers that disproportionately burden Tribal governments. Tribal education representatives emphasized the urgent need to protect and invest in Tribal education systems, especially Tribal Colleges and Universities (TCUs) and BIE-funded schools, which continue to suffer from chronic underfunding and federal neglect.

Tribal leaders spotlighted the erosion of the federal trust responsibility in key areas such as education, land management, cultural preservation, and economic development. They described the cascading effects of trust service backlogs, deteriorating infrastructure, and the exclusion of traditional knowledge from federal decision-making. Many stressed that small, rural, and underserved Tribes face compounded barriers in accessing legal resources, federal programs, and equitable energy opportunities.

Tribal representatives also brought forward the ongoing impacts of intergenerational trauma resulting from colonization, assimilation policies, and federal mismanagement. They urged both the Department and federal agencies to adopt trauma-informed approaches across workforce, education, and public safety programs, and to invest in Native languages, kinship systems, and traditional governance.

Throughout these consultations, Tribal Nations reaffirmed their status as sovereign governments—not stakeholders—with inherent rights, jurisdiction, and legal standing. They called on the federal government to codify Indigenous science, resolve cross-jurisdictional conflicts, and invest in long-term Tribal self-determination.

In conclusion, Tribal Nations made clear that true progress will not come from efficiency alone. It requires integrity, partnership, and a Nation-to-Nation commitment that places trust responsibility, Tribal capacity, and Indigenous futures at the center of federal policy. Tribes expect the federal government to move beyond checklists and toward lasting structural change rooted in mutual respect and shared governance.

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## Federal Conclusion Statement

The Department acknowledges and appreciates the extensive participation by Tribal Nations, professionals, and organizational representatives who contributed to the consultation process on Executive Orders 14210 and 14156. Across both in-person and virtual sessions, as well as through written submissions, Tribal participants provided detailed, thoughtful, and wide-ranging feedback that reflects the diversity of governance structures, regional contexts, and lived experiences across Indian Country.

The comments received span critical areas including trust responsibilities, Tribal sovereignty, self-governance, funding mechanisms, energy permitting, education, workforce, infrastructure,

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and intergovernmental coordination. Many Tribal participants offered precise recommendations to improve federal practices and enhance transparency, efficiency, and Tribal-federal relations. Others shared region-specific challenges, cultural perspectives, and historical insights that help contextualize the practical implications of federal actions.

This consultation process generated hundreds of individual comments and over 100 written submissions. The Department acknowledges the collective effort of Tribal Nations and organizations to engage in this process and ensure that their concerns, perspectives, and priorities were clearly conveyed. All input received has been documented and organized by key themes and will be used to inform next steps and interagency deliberations.

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## Appendix A – Comment Submission Overview

Testimonies were transcribed, reviewed, and categorized into consolidated key themes, which are as follows: EO 14210 has 22 consolidated key themes; EO 14156 has 11 consolidated key themes; and there were 13 cross-cutting themes concerning both Executive Orders. The consolidated key themes reflect both consistency and the diversity of Tribal perspectives throughout Indian Country.

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### Oral Testimony Received During Consultation Sessions

During the Tribal Consultation sessions, DOI invited and recorded oral testimony from participants during nine (9) consultation sessions held between May and June 2025.

- A total of **216 individuals provided oral testimony**, representing Tribal governments, program directors, educators, legal experts, and intertribal organizations.
- Testimonies represented diverse geographic regions and addressed legal, cultural, economic, environmental, and structural concerns relevant to both Executive Orders.
- Oral contributions addressed shared Tribal priorities concerning national policies while also highlighting region-specific issues unique to Tribal concerns and experiences.

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### Written Comments Received

At the conclusion of the nine Tribal Consultation sessions, DOI left the record open until **July 7, 2025**, to allow Tribal leaders to submit written comments via email or mail. The Department received over 190 written comment letters.

- **Tribal leaders** submitted over **80 written comments**.
- The written comments from Tribal leaders provided detailed issue-specific recommendations, and reinforced themes raised during the live consultation sessions.
- Submissions were reviewed for recurring themes, regional distinctions, and proposed actions relevant to each Executive Order.
- **Stakeholders** submitted over **110 written comments**. The stakeholders are a broad cross-section of Tribal government representatives, national associations supporting Tribal governance, intertribal consortia, regional Native corporations, educational institutions, and individual professionals who have general knowledge or expertise in fields such as education, child welfare, land and natural resource management, historic preservation, and workforce development.
- Submissions were reviewed for recurring themes, regional distinctions, and proposed actions.
- Indian Affairs acknowledges receipt of a comment on the federal acknowledgment process
- Indian Affairs also acknowledges receipt of Tribal member form letters regarding the Tule River Tribe Water Settlement Act.

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The individuals who offered oral testimony or submitted written comments during the consultation process represented a broad spectrum of roles and Tribal governance structures. Both the oral testimony and the written comments reflect diverse Tribal knowledge systems, cultural authority, and professional expertise, ensuring that the consultation outcomes were deeply informed by lived experiences, subject-matter specialization, and community-rooted leadership.

### **Tribal Government Leadership**

Numerous Tribal leaders provided testimony. Due to the unique governing structure each sovereign Tribal Government, there are various titles used by Tribal Governments to identify their respective executive leadership, such as Chairperson, President, Chief, and Governor. These Tribal Government executive leaders offered insights into their respective Tribal Nations, and the concerns both Executive Orders may have on the ability of the federal government through its trust responsibility and inherent sovereignty to deliver vital services to Tribal citizens and Tribal communities.

### **Council Members and Vice Chairs**

Numerous Vice Chairs, Tribal Council members, and other elected Tribal Government Officials provided testimony by offering insights into legislative functions and community-level governance concerns.

### **Tribal Administrators and Government Staff**

Testimony included input from Tribal program administrators, school business managers, transportation managers, education directors, and legal counsel who offered insight on operational and regulatory perspectives.

### **Legal and Policy Professionals**

Testimony included input from Tribal attorneys, committee chairs, policy directors, and intergovernmental affairs officers who addressed legal compliance, trust responsibilities, and systemic policy issues.

### **Tribal School and Higher Education Leaders**

Presidents of Tribal Colleges and Universities (TCUs), BIE school principals, and administrator of Tribally operated schools offered testimony on behalf of Native education systems and students.

### **Technical and Environmental Experts**

Participants included land managers, forestry directors, Tribal archaeologists, and energy or infrastructure coordinators offering specialized knowledge in permitting, NEPA, and environmental protection.

### **Historic and Cultural Preservation Officers**

Multiple Tribal Historic Preservation Officers (THPOs) contributed perspectives on NHPA Section 106 compliance, cultural resource protection, and integration of traditional knowledge in various environmental review processes required by Federal law.

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**Health and Social Service Professions**

Representatives from tribal family wellness programs (Tiwahe), social service departments, and Native health organizations addressed impacts of federal policy on Native families and communities.

**Consortia and Intertribal Organizations**

Leaders from regional Tribal organizations, such as the United South and Eastern Tribes (USET), Bering Sea-Interior Tribal Commission, and the Association of Village Council Presidents, voiced collective regional concerns.

**Academic, Nonprofit Sector, and Urban Indian**

A few participants were affiliated with academic institutions or Tribal-focused nonprofits, bringing expertise on Native languages, intergenerational trauma, and community development, including some commenters representing urban Indian interests by highlighting gaps in inclusion and service access.

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## Appendix B – Consultation Participation

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Between **May 20, 2025, and June 12, 2025**, the Indian Affairs conducted nine Tribal consultation sessions to gather input on the implementation of Executive Order 14210 (Indian Affairs Workforce Efficiency and Productivity) and Executive Order 14156 (Emergency Energy Permitting Procedures). These sessions were held in a combination of **in-person, hybrid, and virtual formats** to ensure broad geographic access and meaningful participation

The consultations created space for open dialogue, formal testimony, and submission of written comments from Tribal governments, educators, legal experts, cultural practitioners, and program administrators. Tribal leaders raised a wide range of cross-cutting concerns and offered detailed, action-oriented recommendations. A significant portion of comments addressed Tribal education systems, including BIE schools, Tribal-controlled grant schools, and Tribal Colleges and Universities (TCUs), with many leaders underscoring education as a foundational trust and treaty obligation.

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Consultation Session Summary			
Date - 2025	Location	Format	Estimated Participation
May 20	Anchorage, AK	In-person & Virtual	626 registered / 551 attendees
May 22	Sacramento, CA	In-person & Virtual	349 registered / 347 attendees
May 27	Albuquerque, NM	In-person & Virtual	592 registered / 497 attendees
May 29	Bloomington, MN	In-person & Virtual	355 registered / 293 attendees
May 30	BIE Stakeholders (Virtual)	Virtual Only	279 registered / 229 attendees
June 3	Oklahoma City, OK	In-person & Virtual	404 registered / 340 attendees
June 5	Washington, DC	In-person & Virtual	447 registered / 322 attendees
June 6	Tribal (Virtual)	Virtual Only	306 registered / 291 attendees
June 12	Bismarck, ND	In-person Only	129 registered / 129 attendees

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### Cumulative Totals Across All Sessions

- **3,487** individuals registered in advance
- **2,359** individuals attended virtually (via Zoom)
- **640** individuals attended in person
- **216** individuals provided oral testimony across the sessions

### Participants Providing Oral Testimony

- Tribal Chairpersons, Presidents, and Tribal Council Members representing federally recognized Tribal Nations
- Tribal Historic Preservation Officers (THPOs) and Cultural Resource Directors
- Tribally Operated School Administrators and Educators
- Directors of Tribal Education Departments (TEDs)

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- Environmental and Natural Resource Managers from Tribal governments
  - Tribal Attorneys and Legal Counsel representing Tribal governments
  - Tribal Health, Behavioral Health, and Social Service Program Directors
  - Executive Directors and Policy Analysts from Intertribal and Regional Consortia
  - Tribal Housing Authorities and Infrastructure Program Leaders
  - Directors of Tribal Emergency Management and Planning Offices
  - Senior Administrators from Tribal Colleges and Universities (TCUs)
  - Representatives from Alaska Native Village Corporations and Regional Nonprofits
  - Tribal Fisheries and Wildlife Resource Managers
  - Cultural and Sacred Site Protection Specialists
  - Public Safety and Justice Department Officials representing Tribal Nations

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## Appendix C – Government Efficiency Consolidated Concerns

The bullet points listed under each of the 22 consolidated key themes represent a structured synthesis of the full range of oral and written comments submitted during the Executive Order 14210 Tribal Consultation process. These concerns reflect the lived experiences, institutional challenges, and policy barriers voiced by participants across diverse regions and Tribal contexts.

Each bullet point captures a distinct, recurring issue or systemic pattern identified by one or more commenters. While they do not quote individual speakers verbatim, the points are derived directly from documented testimony and written submissions. They are intended to preserve the specificity and integrity of the concerns raised, while offering a transparent and accessible format for identifying the most pressing issues related to federal trust obligations, program delivery, and Tribal self-governance.

This consolidated structure allows for cross-cutting analysis and comparison, and it ensures that Tribal voices are documented in a form that informs future agency planning, accountability measures, and co-governance efforts under EO 14210 and related initiatives.

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### **1. Violation of the Federal Trust Responsibility**

Consolidated Concerns:

- Chronic delays in administration of trust services, such as processing probates, lease approvals and lease compliance, and land and resource management, which impedes Tribal self-governance, hinders economic growth and development, and land stewardship.
- Inadequate base funding across the Department undermines the delivery of trust services and forces Tribes to rely on unstable, discretionary programs.
- Competitive grant systems shift trust-based obligations into merit-based competitions, creating inequity and undercutting federal responsibilities.
- Federal staff often lack adequate training on the legal and moral foundations of the trust responsibility, leading to inconsistent implementation.
- The federal government narrowly defines trust obligations, excluding culturally vital services such as language preservation, subsistence, and cultural protection.
- There are no standardized mechanisms across agencies to ensure compliance with trust duties or to measure fulfillment of those responsibilities.
- Alaska Tribes report being disproportionately underserved in trust-related services, despite facing unique legal and geographic challenges.
- Workforce reductions, reassignments, and retirements disrupt continuity in trust service delivery, eroding institutional memory and responsiveness.



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- Historic treaties, executive orders, and legal precedents are often ignored or excluded from both the Department's and other federal agencies policy development and operational planning.
  - Tribal governments are routinely excluded from the federal budget formulation process, limiting their ability to influence how trust services are resourced.
  - Backlogs in land and realty transactions delay urgently needed housing and infrastructure projects on trust lands.
  - Trust asset records are frequently outdated, inconsistent, or mismanaged, limiting transparency and accurate Tribal oversight.
  - Federal decision-making often occurs at the national level without meaningful regional consultation or local Tribal engagement.
  - Minor technical errors in reporting are met with punitive responses rather than collaborative solutions, harming program continuity.
  - Tribes are increasingly compelled to litigate in order to enforce basic trust obligations due to insufficient administrative remedies and follow-through.

## **2. Lack of Meaningful Consultation**

### Consolidated Concerns:

- Consultation notices are often issued with minimal advance notice, limiting the ability of Tribal governments to prepare and participate fully.
- Sessions that combine multiple topics (e.g., workforce and permitting) dilute focus and make it difficult for Tribes to provide in-depth input on complex issues.
- The Department frequently fail to explain how Tribal comments are used, creating perceptions that consultation is merely procedural rather than impactful.
- Consultations are viewed as symbolic "check-the-box" exercises, with decisions often finalized before Tribal input is gathered.
- Virtual formats disproportionately exclude rural, remote, and bandwidth-limited communities, impeding equitable participation.
- Consultations often overlook region-specific issues, challenges, and legal frameworks.
- Time zone differences and tight scheduling windows reduce access for Alaska and other distant regions.
- Indian Affairs leadership and federal decision-makers are not consistently required to attend consultation sessions.
- Tribes are rarely provided with post-consultation summaries, recordings, or reports that document key outcomes and follow-up actions.
- There is no formal system to track or report how Tribal feedback informs policy development or organizational reform efforts.
- Follow-up communication after consultations is inconsistent or absent, eroding trust and limiting continuity.
- Elders, youth, and traditional knowledge holders are frequently excluded, despite their vital contributions to Tribal governance and values.
- Sessions are often too short to address highly technical or regionally nuanced issues that require deeper dialogue.

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- Federal staff facilitating consultation often lack cultural, regional, or legal expertise, limiting their ability to respond to Tribal questions and concerns.
  - No performance standards exist across agencies to evaluate the quality or effectiveness of consultation processes.
  - Tribes are routinely asked the same questions in different sessions, reflecting poor interagency coordination and duplication.
  - Tribal leaders have learned about significant federal policy changes through media or public announcements, not through consultation.
  - Consultations are scheduled too close together, creating participation fatigue and capacity strain for smaller Tribal governments.
  - The administrative and logistical burden of participating in federal consultations falls disproportionately on underfunded Tribal staff.
  - There is no mechanism for Tribes to request or initiate consultation on emerging issues outside of federal scheduling.

### **3. Direct Funding Barriers to Tribal Governments**

#### **Consolidated Concerns:**

- Federal programs are not designed for direct disbursement to Tribes.
- Inconsistent funding amounts year to year undermine long-term planning.
- Competitive grant systems disproportionately favor larger or wealthier Tribes and exclude smaller, rural, or newly recognized communities.
- Short application windows and burdensome requirements prevent many Tribes from applying for time-sensitive funding opportunities.
- Smaller Tribes disproportionately impacted by funding delays due to limited reserves.
- Administrative overhead at the intermediary level reduces the total funding that ultimately reaches Tribal governments.
- The Department applies inconsistent standards for direct funding across programs, leading to confusion and inequity.
- Tribes with limited staffing or grant-writing capacity struggle to compete for federal funding or comply with overlapping application systems.
- Annual fluctuations in funding availability make long-term planning and program stability nearly impossible.
- Ambiguity around allowable uses of funds, particularly when filtered through intermediaries, leads to delays and compliance concerns.
- Overlapping and redundant funding streams force Tribes to navigate complex bureaucratic structures with minimal support.
- Proven direct disbursement models, such as those used by FEMA and DOJ, are underutilized in Indian Country.
- The absence of base funding guarantees creates uncertainty and forces Tribes to rely on volatile, discretionary programs.
- Approval processes for fund release often require multiple layers of sign-off, delaying access to urgently needed resources.
- Financial management systems used by the Department are not designed to accommodate Tribal governance and accounting structures.

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- Reimbursement-based models require Tribes to front costs, which is unfeasible for many with limited liquidity.
  - Tribes no longer receive full-year lump sum payments as required by law.
  - Discretionary decisions by federal program officers lack transparency and are not subject to Tribal review.
  - Technological limitations, including unreliable broadband or outdated systems, create barriers to accessing digital funding platforms.
  - Tribal recommendations to adopt equitable, population-based, or need-based formulas are frequently ignored or deferred.

#### **4. Threats to Tribal Self-Governance and Sovereignty**

##### **Consolidated Concerns:**

- Self-governance is not treated as the default framework across federal programs, limiting Tribal authority and autonomy.
- Many federal agencies resist granting 638 contracts or recognizing 477 plans, particularly outside of the Department of the Interior.
- Tribes lack access to sufficient technical assistance and guidance to navigate complex compacting or contracting processes.
- Office of Management and Budget (OMB) and agency rules restrict Tribal flexibility in how funds can be used, stifling innovation.
- Federal programs often impose performance metrics that do not align with Tribal definitions of success or community outcomes.
- Start-up and transition costs for Tribes seeking to assume federal functions are not adequately funded or supported.
- Poor interagency coordination prevents effective cross-program integration for self-governance purposes.
- Tribal jurisdiction is frequently challenged, limited, or not recognized in program design and implementation.
- Match funding and cost-sharing requirements create barriers to participation in self-governance agreements.
- Legal and regulatory frameworks make it difficult for Tribes to co-manage resources, such as forests, fisheries, and cultural sites.
- Federal success stories involving Tribal self-governance are rarely replicated or scaled in other agencies or regions.
- Most self-governance agreements are not backed by multi-year, stable funding, which limits program continuity and planning.
- Excessive federal reporting obligations restrict Tribes' ability to adapt programs to local needs and conditions.
- Tribes are often excluded from the design and reform of federal programs that directly affect their communities.
- Federal funding streams lack the flexibility needed to support culturally tailored, integrated, and community-driven services.
- Tribal governments are not consistently treated as co-equal partners in federal policy forums or interagency initiatives.

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- Some federal agencies continue to award service contracts to non-Tribal entities in Tribal territories without Tribal consent.
  - Tribes lack access to real-time federal data systems needed to make informed decisions and manage their own programs.
  - Compact and contract negotiations are slow, overly bureaucratic, and hindered by staff turnover and shifting requirements.
  - The Department of the Interior has not actively advocated for expansion of self-governance authority across the federal enterprise.

## **5. Burdensome Federal Reporting and Administrative Inefficiency**

### Consolidated Concerns:

- Reporting requirements are duplicative and inconsistent across agencies, creating inefficiencies and confusion for Tribal governments.
- Small and rural Tribes lack the staff capacity to manage complex federal reporting schedules and systems.
- Differing formats and deadlines between programs complicate compliance and cause delays in funding or services.
- Poor broadband access and limited connectivity hinder Tribal ability to submit reports via required online portals.
- Excessive administrative demands divert limited resources away from direct services and community-based programming.
- Federal agencies do not accept each other's audit or performance reports, requiring Tribes to duplicate submissions unnecessarily.
- Software systems used by agencies such as BIA and BIE are outdated, unreliable, and prone to failure during peak submission periods.
- Training for federal reporting platforms is often inconsistent, underfunded, or unavailable to new Tribal staff.
- There is no centralized technical assistance hub to support Tribal governments in navigating federal administrative systems.
- Required outcome metrics often fail to reflect cultural or community-specific definitions of success.
- Delays in federal review or approval of submitted reports can interrupt funding disbursement and disrupt services.
- Changes to reporting guidelines are made without adequate consultation, notice, or transition support.
- Data entry and grant management systems require manual re-entry of information across platforms, increasing errors and staff burden.
- Clerical or technical mistakes in reporting are penalized without consideration of good-faith efforts to comply.
- Lack of real-time guidance from federal reviewers results in rejections, rework, and missed deadlines.
- Tribes are often required to use multiple, unconnected systems (e.g., Maximo, ASAP, G5) that do not share data or reduce duplication.

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- Frequent turnover among federal grant officers and program staff leads to inconsistent interpretation of rules and disruptions in communication.
  - Staff attrition within the Department and other federal agencies slows review processes and results in contradictory or outdated instructions to Tribes.
  - Reports submitted by Tribes are frequently not acknowledged or responded to for months, delaying follow-up actions.
  - Administrative burdens are so significant that they discourage smaller Tribes from applying for new federal funding opportunities altogether.

## **6. Workforce Reductions and BIA/BIE Reorganization**

### **Consolidated Concerns:**

- Proposed federal workforce reductions threaten the continuity and quality of essential services, including trust functions, law enforcement, and education.
- Early retirement programs (VERA/VSIP) and the Deferred Resignation Program (DRP) were developed and implemented without Tribal consultation.
- Many critical BIA and BIE positions—such as realty, probate, and school support—are already vacant or understaffed.
- Reorganization plans, including the Division of Organizational Governance and Efficiency (DOGE), lack transparency and regional customization.
- Field office closures or staff relocations create access barriers for rural and remote Tribal communities that depend on localized federal presence.
- Tribes fear the loss of culturally competent, locally experienced federal staff with deep relationships and regional knowledge.
- Transferring staff to centralized hubs increases geographic and logistical burdens on Tribal governments and citizens.
- Tribes expressed strong opposition to the proposed downsizing of any Regional Office, especially in Alaska which serves nearly half of all federally recognized Tribes.
- Vacant positions created by retirements or reassignments are often not filled promptly, leading to long service gaps.
- The departure of senior staff results in significant institutional knowledge loss, affecting case continuity and technical assistance.
- Tribes were not provided data or consultation on the potential staffing impacts of federal restructuring plans.
- Consolidations are perceived as cost-cutting measures that prioritize federal savings over Tribal service delivery and treaty obligations.
- Office closures and staff reductions have already led to longer processing times for leases, probates, funding, and approvals.
- Internal DOI communications about reorganization plans have been unclear, inconsistent, or entirely absent.
- Small and rural Tribes are disproportionately affected by workforce changes, given their reliance on nearby federal support.
- Federal job reclassifications and restructuring decisions were made without regard to Tribal needs or programmatic realities.

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- Youth and education programs—already under-resourced—risk losing staff critical to supporting student success and program continuity.
  - Tribal governments are being asked to absorb federal responsibilities without adequate funding, training, or transition support.
  - Sudden personnel changes are seen as violating the principles of the government-to-government relationship.
  - Tribes called for mandatory consultation and regional impact assessments before any future workforce or structural changes are implemented.

## **7. Neglect of Tribal Colleges and Universities (TCUs)**

### **Consolidated Concerns:**

- TCUs receive insufficient base funding to support operations, student services, faculty salaries, and long-term planning.
- Delays in the disbursement of federal funds disrupt academic calendars, hiring, and program continuity.
- Workforce reduction proposals threaten instructional capacity, particularly in institutions with already limited staff.
- BIE provides minimal support for higher education—often with just one analyst responsible for dozens of TCUs.
- The congressionally mandated TCU facilities study has not been updated since 1978, leaving infrastructure needs unaddressed.
- TCUs face burdensome and outdated reporting and compliance requirements not aligned with their unique charter and mission.
- Federal endowment matching requirements are out of reach for most TCUs, perpetuating funding disparities.
- There is little coordination between BIA, BIE, and other federal agencies, resulting in duplicated efforts or service gaps.
- Broadband and IT infrastructure remain inadequate in many TCUs, limiting digital learning and access for rural students.
- Federal funding for construction, renovation, and expansion is minimal or entirely unavailable, despite aging and overused facilities.
- TCUs are often excluded from national workforce, STEM, and economic development initiatives—even when focused on Tribal communities.
- Federal policies frequently treat TCUs as supplemental rather than integral parts of Tribal governance and nation-building.
- Funding delays and gaps negatively impact student recruitment, retention, and academic support programs.
- Federal systems (e.g., G5, ASAP) are difficult to navigate, creating administrative bottlenecks and compliance risks.
- Communication from BIE is inconsistent, and staff turnover undermines long-term partnership and institutional trust.
- Many TCUs operate in repurposed or shared spaces that are unsuitable for postsecondary education.

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- Federal evaluation metrics fail to reflect place-based education models and Indigenous knowledge systems central to TCU missions.
  - Tribal language, land stewardship, and cultural programs are underfunded or excluded from eligibility in mainstream education grants.
  - Students face barriers in accessing TCUs due to limited housing, transportation, and campus infrastructure.
  - There is a lack of investment in pipeline programs linking K–12 education to TCUs and Tribal career pathways.

## **8. Trust Services, Real Estate, and Probate Backlogs**

### Consolidated Concerns:

- Tens of thousands of probate cases remain unresolved, in some instances for decades, delaying asset transfers and family stability.
- BIA realty offices lack sufficient staffing and digital infrastructure to manage case volume efficiently.
- Leasing, surveys, and appraisals are subject to years-long delays, stalling housing, economic development, and energy projects.
- Realty services are especially vulnerable to workforce reductions, leaving key positions vacant for extended periods.
- Poor coordination between BIA, SHPO, NEPA, and ESA review processes leads to prolonged approval timelines and uncertainty.
- Requirements for physical signatures and paper documentation create major barriers in remote regions such as Alaska.
- Alaska Tribes face additional complications due to poorly understood regional land laws and parcel classifications (e.g., ANCSA).
- Federal leasing procedures require repetitive documentation and redundant approvals that increase workload and delay.
- Tribes are often forced to hire private consultants to navigate the federal realty system due to complexity and agency inaccessibility.
- Realty records and land status data are outdated, inconsistently managed, and difficult to retrieve—especially in legacy systems.
- Cultural, environmental, and historical reviews required for development projects are siloed and often nonresponsive.
- Tribes are unfairly held accountable for delays caused by federal inaction or internal inefficiencies.
- Land fractionation, unresolved heirship, and legal uncertainty hinder economic use and planning on Tribal lands.
- Inconsistent guidance and responses from different BIA regional and agency offices create confusion and delays.
- High turnover among realty staff results in lost documentation, lapses in communication, and broken service continuity.
- No integrated, interagency system exists to track the status of trust assets, leases, and probates in real time.

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- Infrastructure and housing projects remain in limbo for years while awaiting trust-related approvals.
  - Tribes are rarely consulted about needed updates to trust systems or procedures that directly affect their lands and citizens.
  - Technical assistance for Tribes seeking to build internal land management capacity is limited or unavailable.
  - Trust services are often deprioritized in strategic planning and budget allocation, despite their foundational role in Tribal governance.

## **9. Land into Trust and Tribal Economic Sovereignty**

### **Consolidated Concerns:**

- The land-into-trust process is slow, expensive, and not responsive to the legal complexities of Alaska and other unique jurisdictions.
- Federal procedures and documentation requirements discourage many Tribes from pursuing trust status for their lands.
- Very few Alaska Tribes have successfully completed the trust application process, reflecting systemic access barriers.
- DOI staff often lack adequate training or expertise on ANCSA and ANILCA-related land law, leading to misapplication of policies.
- Legal and consulting fees—often reaching hundreds of thousands of dollars—are unaffordable for many Tribes seeking trust land acquisition.
- Trust applications are not prioritized within DOI workflows, resulting in long periods of inactivity or miscommunication.
- Delays in land-into-trust approvals directly obstruct housing, infrastructure, and economic development initiatives.
- Poor coordination among realty, legal, and environmental review agencies slows the leasing and development process even after land is acquired.
- Regional realty offices lack the staffing and expertise necessary to process trust land actions at scale.
- Historic preservation and environmental reviews (e.g., NEPA, NHPA, SHPO) are not integrated into the trust acquisition workflow, causing additional delays.
- Paperwork is frequently misplaced, and Tribes are required to refile entire applications due to agency inefficiencies.
- Alaska's distinct legal framework is not reflected in national land-into-trust policy, resulting in structural exclusion.
- State governments frequently oppose land-into-trust efforts, introducing costly legal opposition and administrative delays.
- DOI has no fast-track mechanism or simplified process for noncontroversial or previously reviewed applications.
- Trust lands are often excluded from consideration in broader DOI infrastructure, housing, and economic investment programs.
- Tribes report inconsistent and delayed communication about the status of trust applications from BIA offices.



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- Tribes must often rely on costly third-party consultants to complete applications due to lack of federal technical support.
  - DOI's internal tracking and case management systems for land-into-trust actions are outdated and inaccessible to applicants.
  - There is no streamlined or coordinated review process that aligns NEPA, NHPA, and ESA with trust land applications.
  - Lack of trust land limits Tribal jurisdiction, tax authority, zoning, and eligibility for programs tied to land-based governance.

## **10. Subsistence Rights and Cultural Preservation**

### **Consolidated Concerns:**

- Declining fish, game, and plant populations jeopardize the ability of Tribal communities to sustain traditional subsistence practices.
- Dual state-federal management regimes often issue conflicting regulations, creating enforcement and access challenges for Tribal citizens.
- Alaska Tribes were not adequately consulted on long-term fishing moratoriums (e.g., Yukon River closures) that disproportionately affect subsistence communities.
- Subsistence is often treated as a recreational or secondary issue, rather than as a cultural and legal right tied to Tribal sovereignty.
- Commercial and non-Native harvesting operations are prioritized in federal and state policy over Tribal subsistence needs.
- Climate change, pollution, and extractive industries threaten ecosystems and migration patterns that sustain subsistence resources.
- Tribal representation on federal subsistence boards and resource councils is limited, inconsistent, or ceremonial in nature.
- Legal restrictions and closures prevent youth from engaging in traditional harvesting, disrupting intergenerational transmission of knowledge.
- Subsistence impacts are rarely factored into land use planning, infrastructure development, or energy permitting decisions.
- Emergency permitting waivers often fail to protect sacred sites and subsistence ecosystems.
- BIA and other federal agencies do not recognize subsistence as a formal component of the trust responsibility.
- Funding is rarely available for Tribes to monitor environmental conditions, conduct fish/wildlife studies, or participate in impact assessments.
- Tribal voices and expertise are excluded from key fish, wildlife, and natural resource management decision-making bodies.
- Language revitalization and traditional ecological knowledge are not prioritized in policy frameworks, despite being closely tied to subsistence.
- Conservation enforcement actions have criminalized traditional harvesting activities and restricted cultural access to ancestral lands.
- State-led regulatory bodies frequently disregard Tribal input or challenge Tribal authority in subsistence decision-making.

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- Federal agencies rarely assess cumulative impacts of multiple actions on subsistence rights or cultural practices.
  - Cultural resource protection is bypassed or weakened in the context of emergency energy projects or infrastructure expansion.
  - Streamlined permitting processes prioritize economic development over cultural stewardship and Tribal jurisdiction.
  - Co-stewardship and co-management frameworks remain underdeveloped, underfunded, and inconsistently implemented across regions.

## **11. Inadequate Interagency Coordination**

### **Consolidated Concerns:**

- The Department operate in silos, resulting in conflicting guidance, redundant processes, and administrative inefficiencies for Tribes.
- Tribes are often asked to provide the same data or reports to multiple agencies with no system for information sharing.
- Consultation schedules are not coordinated across agencies, forcing Tribes to attend repetitive sessions on overlapping topics.
- Federal programs with related goals (e.g., education, housing, energy, and environment) do not align in terms of eligibility or timelines.
- Agencies define “Tribal eligibility” differently, resulting in inconsistencies in access to grants, contracts, and services.
- Separate systems for application, reporting, and compliance create barriers for Tribes with limited administrative infrastructure.
- Poor internal communication within and between agencies leads to contradictory information and delays in Tribal approvals.
- Decisions made by one federal agency often conflict with or undermine decisions by another (e.g., BIA vs. EPA vs. FEMA).
- Interagency task forces or working groups lack Tribal representation or operate without meaningful engagement or follow-up.
- Tribes are rarely consulted in the design of cross-agency initiatives that affect their lands, resources, or programs.
- Inconsistent definitions, acronyms, and program names across agencies add to confusion and misinterpretation.
- Shared or overlapping jurisdictions are not accompanied by shared consultation, permitting, or funding structures.
- Federal staff are often unaware of existing Tribal agreements or partnerships managed by other agencies.
- Lack of interagency coordination delays emergency response and recovery services in disaster-prone Tribal areas.
- Tribal leaders must expend additional time and resources coordinating between agencies due to the absence of federal integration.
- New federal initiatives are rolled out in isolation, without reference to existing Tribal programs or priorities supported by other agencies.

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- Co-stewardship, land management, and conservation efforts are delayed due to unresolved interagency disagreements.
  - Each agency uses its own digital portal or system for grants, reporting, and communication, creating a burden on Tribal users.
  - No single point of contact exists across the federal government for Tribes to coordinate multi-agency initiatives.
  - Interagency inefficiencies contribute directly to trust violations, program delays, and lost funding opportunities for Tribes.

## **12. Disruption to Tribal-Federal Service Continuity**

### **Consolidated Concerns:**

- Frequent staff turnover at BIA and BIE disrupts the delivery of essential services and undermines long-standing working relationships with Tribes.
- Vacant positions, especially in realty, probate, education, and law enforcement coordination, result in service delays and backlogs.
- Tribal governments are often not informed when key federal personnel leave or when their duties are reassigned.
- New or temporary federal staff often lack regional knowledge or experience working with specific Tribal Nations.
- The departure of senior agency personnel results in the loss of institutional memory and historical understanding of complex cases.
- Structural reorganizations are implemented without transition plans, leading to confusion and service disruptions at the Tribal level.
- Federal office closures or consolidations create physical and logistical access barriers for Tribal communities.
- Federal restructuring does not account for the time required to rebuild trust and familiarity between Tribes and new personnel.
- Tribes report that reassignments within Indian Affairs often occur without consideration for service continuity or geographic proximity.
- Sudden staffing changes cause inconsistencies in permitting decisions, case management, and funding administration.
- Federal hiring freezes or delays in backfilling positions prolong gaps in service coverage and decision-making.
- Tribes are not involved in developing continuity plans when federal staff retire, transfer, or leave unexpectedly.
- Service interruptions disproportionately impact small and rural Tribes that rely more heavily on federal personnel for daily operations.
- Digital records and case files are not consistently maintained or transferred during staff transitions, leading to lost progress and rework.
- Temporary staff lack the authority to approve permits, contracts, or funding, delaying critical decisions.
- Tribal-specific programs often stagnate or regress when experienced staff depart and replacements lack subject-matter expertise.

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- Key relationships built over years between federal staff and Tribal citizens are abruptly severed, eroding trust.
  - There is no federal mechanism to ensure cross-training, mentorship, or community onboarding for new staff serving Indian Country.
  - Transition periods following federal reorganization are marked by a lack of clarity, inconsistent communication, and administrative confusion.
  - Tribes must expend their own limited resources to re-educate incoming staff about their history, legal status, and community needs.

### **13. Digital Access and Tribal Data Sovereignty**

#### Consolidated Concerns:

- Many Tribal communities still lack access to high-speed broadband or reliable cellular service, impeding digital communication and operations.
- Federal grant systems and reporting platforms require constant internet access, excluding Tribes in low-connectivity regions.
- Virtual consultations and trainings are inaccessible to some Tribes due to bandwidth and equipment limitations.
- The Department often require Tribes to input sensitive data into systems without clear protections or data governance rights.
- Tribes are not recognized as sovereign data stewards, and there are few formal agreements ensuring co-ownership or control of shared data.
- Disaggregated data about Tribal citizens is often unavailable or not collected, leading to exclusion from national statistics and funding allocations.
- Tribal governments face challenges accessing or retrieving data they themselves submitted to the Department.
- Grant management and compliance platforms (e.g., ASAP, G5) are not user-friendly and are difficult to navigate without robust infrastructure.
- Tribes are often excluded from federal efforts to modernize data systems or digital infrastructure, despite being disproportionately affected by digital gaps.
- Federal broadband funding programs frequently bypass Tribal governments and instead prioritize state or private applicants.
- There is no unified federal approach for integrating Indigenous knowledge or cultural data frameworks into agency systems.
- Federal cybersecurity protocols are not adapted for Tribal governments or their internal data systems.
- Tribes lack resources for data science capacity building, digital archiving, or secure cloud storage.
- Disparities in digital access reinforce inequities in education, emergency response, economic development, and health care.
- Federal systems are often not ADA-compliant or linguistically accessible to elders or non-English-speaking Tribal members.
- Tribal lands are underrepresented in FCC broadband maps and federal assessments of digital need.

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- There is no requirement that the Department consult Tribes when collecting or disseminating data about Indian Country.
  - Existing federal privacy laws and open data policies do not provide sufficient protections for Tribal-sensitive information.
  - Data sharing agreements, where they exist, are often generic and fail to reflect Tribal legal status or governance structures.

#### **14. Erosion of Tiwahe and Holistic Tribal Family Programs**

##### **Consolidated Concerns:**

- The Tiwahe Initiative remains limited to a small number of Tribes despite demonstrated positive outcomes in community-based family healing.
- Funding for holistic family programs is unstable, short-term, or reduced without consultation or notice to Tribes.
- The Department have failed to scale or replicate the Tiwahe model across other regions or programs within Indian Affairs.
- Discontinuation or defunding of Tiwahe has disrupted Tribal-designed case management, behavioral health, and reentry services.
- Programs that address family wellness, child protection, and recidivism are siloed, with few federal mechanisms for integration.
- Tribes are forced to navigate multiple agencies and grants to support interconnected family services, increasing administrative burden.
- Federal service models often do not reflect Indigenous definitions of family, kinship, or intergenerational wellness.
- The absence of trauma-informed, culturally grounded programming contributes to cycles of incarceration, child removal, and chronic health disparities.
- Eligibility criteria for federal family and human services programs often exclude key community members (e.g., extended family, non-enrolled descendants).
- Reentry and restorative justice initiatives receive little federal investment despite high need in Tribal communities.
- Tribal social services programs are underfunded and overwhelmed, limiting the ability to provide wraparound support.
- Federal reporting structures do not capture or reward long-term family healing, community reintegration, or cultural connection.
- Tribal definitions of success in family and wellness programs are not reflected in agency performance metrics.
- Youth prevention and intervention programs are disconnected from adult services, leading to fragmented care.
- Tiwahe grantees report inconsistent support and unclear guidance from federal program officers.
- There is no clear pathway to convert successful pilot programs into permanent, base-funded Tribal initiatives.
- Cultural services, traditional healing, and language-based interventions are ineligible under many federal health and human services grants.

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- Tribes lack discretion to redirect siloed funds toward the root causes of family hardship, such as housing, transportation, or economic stress.
  - BIA and BIE often fail to coordinate on youth and family initiatives, leaving gaps in service during school transitions or crises.
  - Federal staff turnover undermines continuity in Tiwahe partnerships and understanding of local Tribal systems.

## **15. Institutional Knowledge Loss Due to Staff Turnover**

### **Consolidated Concerns:**

- High turnover in federal staff leads to repeated disruptions in service delivery, permitting, and case management for Tribal governments.
- The departure of experienced personnel results in the loss of community-specific knowledge and long-standing working relationships.
- Tribes must repeatedly reintroduce their governance structures, priorities, and histories to new agency staff.
- Case files and project materials are often lost or improperly transferred during staff transitions, causing delays or rework.
- Temporary or interim staff frequently lack decision-making authority, stalling urgent Tribal requests or approvals.
- Federal employees assigned to Indian Country positions often have limited understanding of Tribal law, culture, or sovereignty.
- Regional offices suffer from long-standing vacancies and understaffing, compounding delays and administrative burden.
- Tribes are excluded from federal staff hiring or onboarding processes, despite the need for community alignment.
- There is no formal succession planning framework within BIA or BIE to ensure continuity in Tribal service delivery.
- Federal staff assigned to Tribal programs are not required to undergo cultural competency or region-specific training.
- Inconsistent communication and lack of follow-through arise when staff change mid-project or mid-funding cycle.
- Knowledge transfer mechanisms are informal or absent, leading to repeated errors and misunderstandings.
- Federal staff reassigned from outside Indian Country often lack the specialized expertise to serve Tribal communities effectively.
- Inadequate compensation and poor retention policies discourage experienced staff from staying in Tribal-serving roles.
- Tribes have no clear point of contact when agency reorganizations shift roles, responsibilities, or service areas.
- Long-standing Tribal-federal partnerships are undermined by a revolving door of staff unfamiliar with local context.
- Errors made by new or untrained staff can result in funding lapses, legal liability, or service breakdowns for Tribal governments.

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- Tribal training needs and technical assistance requests are delayed or ignored during federal staffing gaps.
  - Federal personnel rarely stay long enough in their positions to build trust or demonstrate accountability to Tribal communities (i.e., Law Enforcement Officers).
  - Lack of historical context contributes to misinterpretation of Tribal priorities, policies, and agreements by new agency staff.

## **16. Unmet Infrastructure and Facility Needs**

### **Consolidated Concerns:**

- BIA and BIE facilities are in disrepair, unsafe, or inadequate for their intended service functions, with some lacking basic utilities.
- Tribal government buildings often lack space, accessibility features, or technology to support modern operations.
- Tribal schools operate in outdated or condemned facilities, with mold, leaking roofs, broken HVAC systems, and overcrowded classrooms.
- Federal programs rarely provide funding for construction or major renovation of Tribal administrative buildings.
- Many Tribal communities still lack access to reliable drinking water, wastewater treatment, and electrical infrastructure.
- Inadequate roads, transportation systems, and emergency service infrastructure limit mobility and safety in remote areas.
- Broadband infrastructure is insufficient, preventing access to telehealth, remote education, and digital governance systems.
- There is no comprehensive, up-to-date federal inventory of infrastructure needs across Indian Country.
- Funding for facility improvements is fragmented across agencies, competitive, and insufficient to address documented backlogs.
- Tribes face complex, burdensome permitting processes when attempting to repair or build critical infrastructure.
- Energy infrastructure remains fragile or absent in rural areas, exacerbating vulnerability during emergencies or climate events.
- Tribal courthouses, justice facilities, and law enforcement buildings are outdated, overcrowded, or entirely lacking.
- Capital outlay and maintenance funding formulas do not account for inflation, geographic challenges, or unique Tribal needs.
- Existing grant programs often prohibit funding for administrative space, cultural buildings, or ceremonial structures.
- The condition of school facilities affects student safety, learning outcomes, and long-term educational equity.
- Tribes must often use operational or programmatic funds to cover basic facility repairs due to lack of dedicated capital funding.
- Interagency infrastructure programs do not coordinate with each other or reflect regional cost differentials in materials and labor.

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- Inconsistent facility assessments, outdated databases, and reliance on self-reporting result in underestimation of Tribal infrastructure needs.
  - Workforce recruitment and retention are compromised when agencies cannot offer staff safe, functional work environments.

## **17. Equity for Small and Rural Tribes**

### **Consolidated Concerns:**

- Small and rural Tribes lack the administrative staff necessary to apply for or manage complex federal grants.
- Many programs require matching funds or detailed reporting that small Tribes cannot fulfill without sacrificing essential services.
- Tribal populations are dispersed over large distances, increasing the cost and difficulty of service delivery.
- Grant and program eligibility is often based on population size or revenue capacity, disadvantaging smaller Nations.
- Technical assistance is not equitably distributed and is often concentrated in regions with larger or more urbanized Tribes.
- Rural Tribes frequently lack broadband and digital infrastructure necessary to participate in virtual consultations or submit digital applications.
- Federal outreach efforts often focus on larger or more visible Tribes, leaving smaller communities uninformed or unengaged.
- Program requirements fail to account for geographic isolation, limited transportation, or logistical constraints faced by remote Tribes.
- Small Tribes are often forced to partner with intermediaries or larger organizations to access funding, diluting local control.
- Funding formulas based on total enrollment do not reflect the fixed costs of providing basic services to any Tribal community.
- Limited staff capacity means that even short application windows or reporting deadlines are prohibitive for smaller Tribal offices.
- Competitive grant systems favor applicants with grant-writing consultants and robust administrative infrastructure.
- Federal staffing reductions disproportionately impact remote field offices that small Tribes rely on for trust and technical services.
- Small Tribes are more vulnerable to being left out of national policy initiatives or pilot programs due to scale.
- Emergency response, public safety, and health services are harder to sustain in low-population, high-need areas.
- Small and rural Tribes face greater risk of losing federal funds due to minor clerical or compliance errors.
- Equity impact assessments are rarely disaggregated to identify structural barriers unique to small Tribes.
- There are no dedicated set-asides or simplified pathways for small Tribes within most DOI-administered programs.



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- Outreach materials and technical guidance are often too technical or generic to be actionable for under-resourced Tribal staff.
  - Tribes emphasized that “one-size-fits-all” approaches reinforce inequality rather than correcting it.

## **18. Lack of a Clear Operational Plan or Metrics for EO 14210**

### **Consolidated Concerns:**

- There is no publicly available operational plan outlining how EO 14210 will be implemented in Indian Country.
- Tribes were not included in the design of key benchmarks, timelines, or performance indicators related to the EO.
- The lack of transparency has created uncertainty about which programs, staff, or services may be cut or reorganized.
- Tribes cannot evaluate the impact of EO 14210 without clear definitions of “efficiency” or how success will be measured.
- No metrics currently exist to track whether EO 14210 is improving Tribal service delivery, consultation, or trust obligations.
- The Department has not shared how Tribal feedback from consultations is being incorporated into EO implementation strategies.
- Tribes are unsure whether the Department will issue public progress reports or engage in follow-up consultation.
- The focus on cost-savings and streamlining raises concerns that efficiency may be prioritized over equity and access.
- Tribes expressed concern that “efficiency” metrics could be used to justify further consolidation or closures of BIA/BIE offices.
- No interagency alignment has been articulated to explain how EO 14210 will be coordinated across departments serving Indian Country.
- There is no mechanism for Tribes to track or influence how EO 14210 actions are unfolding regionally or locally.
- Federal representatives at consultations could not answer questions about funding impacts or implementation schedules.
- The Executive Order does not articulate how improvements in Tribal sovereignty, capacity, or self-determination will be measured.
- There are no accountability structures in place to prevent negative outcomes for small, rural, or under-resourced Tribes.
- Tribes lack clarity about whether EO 14210 includes goals for hiring, workforce diversity, or Tribal preference in federal positions.
- The absence of a clear implementation roadmap fuels fears that internal agency decisions are being made without Tribal oversight.
- Tribes were not asked to define what efficiency or effective governance means within a Tribal context.
- Without metrics grounded in trust responsibility, EO 14210 risks becoming an internal administrative exercise disconnected from Tribal realities.

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- Tribes emphasized that reform without measurement is inherently unaccountable and vulnerable to politicization.
  - Tribal Nations have no meaningful way to engage in the evaluation or continuous improvement of EO 14210's application.

## **19. Undermining of the Federal Trust Responsibility in Education**

### **Consolidated Concerns:**

- The federal government is not fulfilling its legal and moral obligation to provide quality education to Native students as part of the trust responsibility.
- Education funding through BIE and other agencies remains far below the level required to meet student needs and ensure parity with non-Tribal schools.
- Tribes report chronic delays in school construction, repair, and modernization despite documented facility deficiencies.
- Culturally relevant curriculum, Native language instruction, and Tribal knowledge systems are not prioritized or supported through federal programs.
- There is no mechanism to hold BIE accountable for academic outcomes, staff performance, or community engagement.
- Federal policies treat Tribal education as a discretionary program rather than a guaranteed right rooted in treaty law.
- Budget cuts and internal restructuring within BIE undermine long-term Tribal educational initiatives and innovation.
- Tribal consultation in education policy is inconsistent, symbolic, or limited to post-decision feedback.
- Native youth face persistent disparities in graduation rates, college readiness, and access to special education services.
- Education-related grant programs are siloed, hard to navigate, and require administrative capacity that many Tribal schools lack.
- BIE and DOI lack a comprehensive strategy for integrating traditional knowledge and community-defined indicators of success.
- Many BIE-operated schools struggle with unfilled staff positions, outdated materials, and inconsistent leadership.
- Tribes are not adequately supported in exercising full control over curriculum development, assessments, and school governance.
- No Tribal input was solicited in key policy decisions affecting early childhood education, teacher training, and workforce pipelines.
- There is insufficient federal oversight of contracted education services provided by third parties or surrounding public school districts.
- Disconnected federal initiatives across HHS, DOE, and DOI leave critical gaps in services for Native students and families.
- Tribal schools lack access to stable broadband, transportation, mental health services, and modern classroom technology.
- The federal government does not collect or publish comprehensive, disaggregated data on Native student outcomes across systems.

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- Tribes raised concern that educational equity efforts are framed as optional rather than fundamental obligations of sovereignty and trust.
  - Reforms under EO 14210 could further erode the education trust responsibility if efficiency is prioritized over educational justice.

## **20. Neglect of the Trust Obligation to Support Tribal Colleges and Universities (TCUs)**

### **Consolidated Concerns:**

- TCUs receive far less per-student funding than non-Tribal institutions, undermining their ability to serve Native communities effectively.
- The federal government has not fulfilled its trust obligation to provide consistent, equitable base funding for TCU operations.
- Capital construction funds for TCU campuses are minimal or nonexistent, despite aging or inadequate facilities.
- TCUs are excluded from many federal higher education initiatives, block grants, and infrastructure investments.
- Federal definitions of “efficiency” under EO 14210 ignore the unique role of TCUs in Tribal nation building and language revitalization.
- Faculty salaries at TCUs are not competitive, leading to high turnover and difficulty attracting qualified educators.
- TCUs must navigate multiple federal agencies to secure basic operational support, creating unnecessary administrative burdens.
- Research funding and land-grant parity remain significantly behind that of other 1862 and 1890 institutions.
- There is no federal strategy to increase TCU access to broadband, technology, or remote learning platforms.
- Many TCU students face barriers such as transportation, childcare, and food insecurity that are not addressed in funding formulas.
- The Department often overlook TCUs as partners in workforce development, STEM education, and climate resilience.
- EO 14210 did not include TCUs in its workforce planning or consultation sessions in a structured or consistent way.
- Federal performance metrics do not reflect TCU success indicators, such as language fluency, cultural knowledge, or community service.
- Tribal governments are not consulted when federal policy changes affect TCU funding, accreditation, or program eligibility.
- Delays in disbursement of federal funds disrupt TCU operations and planning.
- There is no dedicated line item in the federal budget to ensure long-term sustainability for TCUs.
- TCUs are asked to compete for grants with mainstream institutions despite lacking equivalent resources or staff capacity.
- Many TCUs rely heavily on unstable, year-to-year federal appropriations rather than secure multi-year funding commitments.
- Federal evaluations of TCU performance rarely account for the multi-generational, community-based impact of their work.

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- Tribes assert that support for TCUs must be recognized as a core element of federal trust responsibility—not a discretionary education expenditure.

## **21. Chronic Underfunding and Infrastructure Deficits in Bureau-Funded and Tribally-Controlled Schools**

### **Consolidated Concerns:**

- Bureau-funded and Tribally controlled schools are housed in severely outdated, deteriorating buildings that pose health and safety risks to students and staff.
- Many schools lack functioning HVAC systems, secure entrances, science labs, and ADA-compliant facilities.
- Persistent underfunding leaves schools unable to maintain buildings, purchase updated learning materials, or implement enrichment programs.
- School construction and repair backlogs have grown due to inconsistent funding and delays in project approvals.
- There is no comprehensive federal plan or timeline to address the full inventory of needed school replacements or major renovations.
- Federal capital funding is awarded through highly competitive processes that disadvantage smaller or rural Tribal schools.
- Transportation infrastructure is poor or nonexistent, and many students travel long distances on unsafe or unmaintained roads.
- BIE-operated schools struggle to recruit and retain qualified educators due to low salaries, poor housing, and inadequate professional support.
- Tribally controlled schools often rely on inconsistent grants to supplement operational budgets, limiting program continuity.
- Tribal schools are excluded from major federal initiatives focused on technology upgrades, broadband access, and STEM education.
- Outdated technology infrastructure limits student learning opportunities and access to virtual resources.
- There are inadequate resources for maintenance staff and facility operations, leaving buildings vulnerable to rapid decline.
- Tribes receive little input or authority in the prioritization process for school repair and construction.
- Students with disabilities are disproportionately impacted by inaccessible or non-compliant facilities.
- School meals, mental health services, and extracurricular activities are often underfunded or unavailable due to budget shortfalls.
- The Department fails to coordinate funding streams to address comprehensive school improvement needs.
- Emergency facility needs (e.g., storm damage, fires, heating failures) often go unaddressed due to slow or inadequate response systems.
- Lack of investment in culturally appropriate and energy-efficient buildings contributes to long-term operational inefficiencies.
- Facility conditions contribute to student absenteeism, staff turnover, and poor academic performance.

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- Tribes emphasized that unsafe and neglected schools violate the federal trust responsibility and signal broader systemic disinvestment in Native youth.

## **22. Failure to Center Tribal Sovereignty in Education Governance**

### Consolidated Concerns:

- The Department often excludes Tribes from decision-making processes that affect education systems, programs, and funding streams.
- Tribal Nations are not consistently treated as sovereign governments with the right to self-govern education.
- BIE and the Department of Education retain centralized control over curriculum, assessment, and accountability, limiting Tribal innovation.
- Tribal education codes, accreditation bodies, and curriculum frameworks are not recognized or supported by federal policy.
- Consultation on education matters is often after-the-fact or symbolic, with little incorporation of Tribal feedback.
- Tribal definitions of student success—including language fluency, cultural identity, and community responsibility—are not reflected in federal education indicators.
- Tribes lack authority to direct or align federal funds to their own education priorities without restrictive conditions.
- Federal education programs frequently operate in silos and do not support comprehensive Tribal education ecosystems.
- Tribal Education Departments (TEDs) are underfunded and often excluded from state-federal partnerships or decision-making tables.
- There is no interagency framework to support Tribal co-governance in the development of national education policy.
- BIE reform efforts have not included sustained, equitable partnerships with Tribes governing their own schools.
- Federally imposed teacher certification, data reporting, and procurement policies conflict with Tribal priorities and laws.
- Lack of Tribal representation in federal education oversight bodies limits visibility of sovereign education models.
- Federal statutes and regulations do not adequately support Tribal education law enforcement, jurisdiction, or dispute resolution systems.
- Tribes must adapt to federal systems rather than federal systems adapting to diverse Tribal governance and education models.
- There is no requirement for the Department to consult with Tribes on the reauthorization or implementation of major education legislation.
- State-level control over Title programs and special education services often excludes Tribes from funding decisions.
- Efforts to expand Tribal control over education are undercut by competitive grants rather than permanent base funding.
- The Department inconsistently acknowledge the Nation-to-Nation relationship when dealing with Tribal education matters.

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- Participants warned that EO 14210 could exacerbate centralized decision-making if Tribal sovereignty is not explicitly protected.

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## Appendix D –Energy Emergency Consolidated Concerns

The bullet points presented under each of the 11 consolidated key themes for Executive Order 14156 represent specific, detailed concerns raised consistently across all oral and written Tribal comments submitted during the consultation process. These concerns were expressed by Tribal leaders, Tribal Historic Preservation Officers, cultural practitioners, legal experts, and environmental professionals from across Indian Country.

Each bullet point reflects a recurring issue, procedural failure, legal violation, or structural inequity identified by Tribes as negatively impacting their rights, lands, resources, or governance under EO 14156. While the language has been consolidated for clarity and consistency, the content is drawn directly from the unique testimony, lived experience, and policy recommendations of participating Tribal Nations and organizations.

Together, these bullet points provide a transparent and comprehensive inventory of the most pressing Tribal concerns regarding emergency energy permitting procedures. They are intended to inform agency responses, support interagency accountability, and guide future actions to ensure full compliance with the federal trust responsibility, treaty obligations, and principles of Tribal sovereignty and environmental justice.

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### **1. Tribal Treaty Rights and Reserved Rights**

Consolidated Concerns:

- Energy emergency permitting threatens treaty-reserved rights by accelerating projects on or near sacred and culturally significant lands without Tribal consent.
- The Department fails to fully acknowledge or incorporate off-reservation treaty rights during permit reviews and approvals.
- Permitting activities often disregard established rights to hunt, fish, gather, and access traditional territories.
- Existing consultation processes do not ensure protection of reserved rights across multi-jurisdictional landscapes.
- Treaties are not consistently referenced or honored in environmental assessments or decision documentation.
- Fast-tracking permits can result in the destruction of resources protected under treaty agreements before consultation can occur.
- Tribes are excluded from co-management roles on federal lands where treaty rights are still in effect.
- Federal permitting frameworks do not provide safeguards to prevent cumulative impacts on treaty-protected ecosystems and habitats.
- Treaty rights are treated as subordinate to national energy interests rather than binding obligations under U.S. law.

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- There is no uniform federal policy requiring agencies to assess treaty implications prior to granting permits.
  - Tribes report that treaty rights are invoked rhetorically by agencies but are not operationalized or enforced in practice.
  - Emergency declarations are being used to bypass consent requirements that would otherwise be protected under treaty law.
  - The Department inconsistently recognize the territorial scope of treaty rights, leading to narrow interpretations of Tribal authority.
  - The burden falls on Tribes to assert and defend treaty rights, rather than on the Department to proactively protect them.
  - Energy infrastructure often fragments or blocks Tribal access routes to traditional resource areas.
  - Treaty territories frequently overlap with federal lands but are not mapped or acknowledged in permitting databases.
  - Tribes expressed frustration that staff handling energy permits often lack training in treaty law or federal Indian law.
  - There is a lack of legal recourse for Tribes to pause or appeal emergency energy projects that threaten treaty rights.
  - Treaties are not embedded in agency metrics used to evaluate project impacts or regulatory compliance.
  - Ignoring treaty rights in permitting processes undermines trust in federal-tribal relationships and violates constitutional obligations.

## **2. Recognition and Integration of Traditional Knowledge**

### **Consolidated Concerns:**

- Traditional Ecological Knowledge (TEK) is not meaningfully incorporated into environmental assessments or permitting decisions.
- Agencies prioritize Western scientific models over Indigenous knowledge systems, despite TEK's relevance to ecological forecasting and sustainability.
- Cultural practitioners and knowledge holders are not consulted or compensated for their expertise in federal permitting processes.
- There are no formal mechanisms for validating TEK within federal review frameworks or agency databases.
- The Department lack staff trained to engage respectfully with TEK or interpret its relevance to energy infrastructure planning.
- Traditional knowledge is often solicited too late—after project scopes have been defined or decisions effectively made.
- Protocols for safeguarding culturally sensitive or restricted knowledge are not honored in agency documentation or public disclosures.
- Agencies do not account for spiritual, ceremonial, or intergenerational dimensions of Indigenous land relationships.
- Permitting procedures fail to acknowledge that TEK is place-based, holistic, and often conveyed orally or experientially—not through written reports.



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- Tribes are pressured to “justify” traditional knowledge within scientific paradigms, reinforcing colonial hierarchies of knowledge.
  - TEK is excluded from cumulative impact assessments that ignore Tribal cultural baselines and seasonal resource use.
  - Federal consultation timelines are incompatible with the ceremonial and consensus-based processes required for sharing traditional knowledge.
  - TEK is not reflected in impact mitigation strategies, restoration efforts, or adaptive management plans.
  - Emergency energy permitting creates conditions that accelerate development without the time or structure needed for meaningful TEK integration.
  - Some agencies have attempted to appropriate TEK without proper Tribal consent or recognition of intellectual property rights.
  - Traditional knowledge related to sacred landscapes, migration routes, or medicinal plants is not factored into routing decisions for pipelines or transmission lines.
  - Tribes report a persistent lack of federal understanding that cultural knowledge is essential to environmental and human health outcomes.
  - The Department inconsistently recognize the right of Tribes to withhold TEK from disclosure while still influencing permitting outcomes.
  - Existing laws and policies (e.g., NEPA, NHPA) do not explicitly require TEK inclusion or protection.
  - Without TEK, permitting decisions risk long-term harm to ecosystems, cultural continuity, and Tribal resilience.

### **3. Categorical Exclusion (CE) Misuse and Overreach**

#### **Consolidated Concerns:**

- Categorical Exclusions are being applied to projects with significant environmental and cultural impacts, circumventing required reviews.
- Tribes are not notified when a CE is issued on lands or within areas where they hold treaty, cultural, or consultation interests.
- CEs are used to avoid compliance with NEPA, NHPA, Section 106, and the Endangered Species Act, removing essential Tribal protections.
- Agencies are applying blanket CEs across multiple projects and geographic areas without project-specific impact analysis.
- The CE process lacks transparency, and Tribes often learn of approvals only after construction has begun.
- Emergency declarations under EO 14156 are being used to justify the rapid expansion of CE usage without Tribal oversight.
- There are no federal requirements for Tribal consultation or cultural resource assessments prior to CE determinations.
- The overuse of CEs accelerates development in sensitive areas, including traditional cultural landscapes and subsistence zones.
- CEs eliminate the opportunity for Tribes to identify sacred sites, medicines, or other culturally significant features before disturbance occurs.

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- Tribal Nations have no legal recourse to challenge CE approvals short of time- and resource-intensive litigation.
  - The growing reliance on CEs reflects a shift toward administrative expediency rather than informed, balanced decision-making.
  - Projects that should trigger Environmental Assessments (EAs) or Environmental Impact Statements (EISs) are being improperly categorized as exclusions.
  - CE determinations are rarely shared with Tribal Historic Preservation Officers (THPOs) or Tribal governments before decisions are finalized.
  - Agency personnel often lack the training to assess whether a CE is appropriate in areas of Tribal concern.
  - There is no centralized or publicly accessible database of CE approvals affecting Tribal lands or cultural resources.
  - Tribes reported that CE expansion creates legal gray areas where federal accountability is effectively suspended.
  - Some CE-approved projects have caused irreversible harm to burial grounds, ceremonial routes, or natural habitats.
  - The lack of formal Tribal input into CE policy development under EO 14156 reflects broader disregard for Nation-to-Nation principles.
  - Tribes emphasized that misuse of CEs violates the federal trust responsibility and must be subject to oversight and reform.
  - The assumption that small-scale projects have “no impact” ignores cumulative effects across time, geography, and cultural context.

#### **4. Environmental Assessment (EA) and Environmental Impact Statement (EIS) Inconsistencies**

##### **Consolidated Concerns:**

- EAs and EISs are inconsistently applied or rushed to meet permitting deadlines, limiting their scope and depth.
- Environmental reviews often exclude or inadequately assess Tribal cultural resources, treaty-reserved rights, and subsistence uses.
- Tribes are frequently asked to comment on dense, technical documents within unreasonably short timeframes.
- Agencies use outdated, non-Tribal data sets to justify findings that minimize impacts on Tribal lands and people.
- There is no consistent standard for incorporating Traditional Ecological Knowledge (TEK) into environmental reviews.
- Cumulative impacts across multiple permits, landscapes, and time horizons are rarely addressed meaningfully.
- EA and EIS processes are not translated or adapted to be accessible to elders, youth, or culturally diverse community members.
- Tribal co-authorship or parallel review of environmental documents is not offered, even for projects with significant cultural impact.
- Some EAs claim “Finding of No Significant Impact” (FONSI) even in areas with documented cultural or environmental vulnerability.

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- The Department do not ensure early Tribal engagement during project scoping, resulting in missed opportunities to avoid harm.
  - Tribes report that their submissions are “acknowledged” but not incorporated into final environmental documents.
  - The consultation process within EAs and EISs is often symbolic, with no accountability for incorporating Tribal concerns.
  - Tribes are not given access to technical expertise or funding to conduct independent environmental analysis.
  - Lack of clarity about who has final approval authority undermines confidence in the objectivity of the EA/EIS process.
  - Energy projects are segmented into smaller components to avoid full EIS reviews, a practice Tribes view as intentionally deceptive.
  - Federal staff lack training in NEPA compliance specific to Indian Country, leading to flawed analysis or oversight.
  - EA/EIS processes do not account for Indigenous worldviews, including spiritual, intergenerational, and relational perspectives on land.
  - Tribes cannot challenge flawed assessments without legal action, placing the burden on communities with limited resources.
  - Emergency permitting under EO 14156 has resulted in the suspension or curtailment of environmental review obligations altogether.
  - There is no federal framework to ensure that EAs and EISs advance—not erode—Tribal sovereignty and environmental justice.

## **5. National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) Conflicts and Shortcomings**

### **Consolidated Concerns:**

- NHPA and NEPA are being diluted under EO 14156 to expedite energy development, undermining their protective purpose.
- Agencies treat NHPA compliance as a procedural checkbox rather than a substantive opportunity to identify and avoid harm.
- NEPA and NHPA reviews are often conducted separately and fail to coordinate analysis of environmental and cultural impacts.
- THPOs are not adequately consulted during project planning, and their expertise is frequently disregarded.
- The Department does not consistently respect or integrate Tribal cultural resource definitions and mapping.
- Sacred sites, burial grounds, and ceremonial areas are excluded from consideration if they are not formally registered.
- The Section 106 process lacks enforcement, and agency determinations of “no adverse effect” are often issued unilaterally.
- Emergency declarations are being used to suspend or truncate NHPA/NEPA review timelines.
- Many agencies do not notify affected Tribes when projects occur outside reservation boundaries but within ancestral or treaty lands.

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- NHPA review documents are highly technical and not accessible to community members or elders.
  - There is limited funding or staff support for THPOs to monitor multiple projects across vast regions.
  - Cultural resource surveys are contracted out without Tribal oversight, and findings are rarely shared or validated by Tribes.
  - Agencies rely on outdated or incomplete databases that fail to reflect known or recently identified cultural properties.
  - Mitigation measures for adverse effects are determined without meaningful Tribal participation or approval.
  - NEPA documents often ignore cultural values that do not fit within Western frameworks of significance or use.
  - Tribes are forced to repeatedly reassert concerns in successive reviews due to lack of follow-through or recordkeeping.
  - Environmental Justice provisions under NEPA are not applied to Tribal communities with sufficient rigor.
  - Agencies rarely follow up on commitments made during the NHPA consultation process once permits are issued.
  - NHPA and NEPA language does not explicitly require Tribal consent or co-authorship of findings, allowing agencies to override Tribal concerns.
  - Tribal leaders stressed that undermining these laws in the context of EO 14156 violates federal trust and treaty obligations.

## **6. Endangered Species Act (ESA) and Section 7 Failures in Tribal Consultation**

### **Consolidated Concerns:**

- The Department do not consistently notify or consult Tribes under Section 7 when endangered species are impacted by energy projects.
- Tribal Traditional Ecological Knowledge (TEK) is excluded from species assessments, habitat modeling, and recovery planning.
- Emergency energy permitting timelines under EO 14156 are compressing or bypassing required ESA reviews.
- Culturally significant species—including salmon, bison, eagles, and medicinal plants—are not prioritized in Section 7 consultations.
- Critical habitats are altered or degraded by permitted projects without prior discussion with affected Tribes.
- Agencies rely on limited Western scientific data and ignore Indigenous indicators of species health and habitat degradation.
- There is no standardized interagency process for incorporating Tribal input into ESA consultations across DOI and USDA.
- Habitat fragmentation from roads, pipelines, and transmission lines disrupts species relied on by multiple Tribes across regions.
- ESA consultations fail to consider ceremonial, nutritional, or intergenerational relationships Tribes have with certain species.

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- There is no meaningful mechanism for Tribes to challenge “no jeopardy” findings that ignore or downplay cultural risks.
  - Section 7 reviews are sometimes outsourced to third-party consultants unfamiliar with Tribal contexts or treaty rights.
  - Tribes are excluded from monitoring, enforcement, and mitigation planning for projects that impact ESA-listed species.
  - Species significant to Tribes may not be formally listed under ESA but are nonetheless ecologically and culturally vital.
  - Federal consultation documents often reduce Tribal relationships with species to “interest groups” or “comments,” rather than sovereign responsibilities.
  - There is no clear pathway for Tribes to submit TEK-based species or habitat data into ESA regulatory frameworks.
  - ESA permitting fails to reflect cumulative impacts on biodiversity in areas with multiple overlapping projects.
  - Tribes report that concerns about endangered species are acknowledged but not reflected in final permitting decisions.
  - Interagency inconsistencies create confusion over which office holds responsibility for consulting with Tribes.
  - Tribal co-management agreements are underutilized or not recognized as part of formal ESA enforcement.
  - Excluding Tribes from ESA decision-making violates treaty obligations and undermines long-standing Tribal conservation leadership.

## **7. Section 106 (Cultural Resource Protection) Disregard**

### **Consolidated Concerns:**

- Section 106 reviews are often bypassed, abbreviated, or initiated too late to meaningfully influence project design or routing.
- Tribes are not consistently consulted when projects affect ancestral territories, ceded lands, or areas with known cultural significance.
- Cultural resource surveys are frequently conducted without THPO involvement or Tribal validation of results.
- Agencies issue “no historic properties affected” determinations without site visits, oral histories, or Indigenous methodologies.
- Sacred landscapes are not recognized under narrow definitions of historic properties used by federal contractors.
- Permitting timelines under EO 14156 do not accommodate the consensus-building and ceremonial protocols necessary for cultural disclosure.
- Tribes are expected to identify and document cultural resources within compressed comment windows and with limited capacity.
- Some agencies rely on outdated or incomplete GIS and SHPO databases that exclude significant Tribal sites.
- Section 106 consultation is often confused with general outreach or public comment opportunities, violating government-to-government principles.

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- There are no consequences for agencies that fail to incorporate THPO feedback or proceed with findings that Tribes dispute.
  - Mitigation measures are designed without Tribal approval and often do not reflect the gravity of the cultural loss.
  - Agencies do not recognize that some cultural resources cannot be disclosed or mapped due to cultural protocols.
  - Section 106 review documents are highly technical and inaccessible to many Tribal communities and elders.
  - Projects are segmented to avoid triggering full Section 106 processes, despite cumulative impacts on cultural corridors.
  - There is no federal mechanism to track or prevent repeat disturbances to culturally sensitive areas by successive projects.
  - Tribes report a lack of funding to monitor multiple projects or engage in intensive 106 reviews simultaneously.
  - Inadequate agency staffing and training contribute to poor documentation, rushed reviews, and disregard for Tribal concerns.
  - Emergency permitting provisions are being used to override or waive Section 106 compliance altogether.
  - THPOs are treated as “consulted parties” rather than sovereign authorities with legal standing in cultural preservation.
  - Disregard for Section 106 processes deepens mistrust in federal-tribal relations and threatens long-term cultural continuity.

## **8. Lack of Tribal Involvement in Early Planning and Permitting**

### **Consolidated Concerns:**

- Tribes are not engaged during the initial planning phases of energy projects, including site selection and project design.
- Consultation is treated as a late-stage checkbox, often after permit applications have already been filed or approved.
- Agencies fail to notify all affected Tribes—especially those with historical, cultural, or treaty ties to off-reservation lands.
- Tribal input is excluded from scoping meetings, feasibility studies, and route assessments that shape long-term project impacts.
- Project timelines are set before Tribal consultation begins, limiting flexibility to accommodate cultural protocols or community feedback.
- There is no formal federal policy requiring agencies to involve Tribes in early-stage energy planning.
- Tribes are often expected to “react” to decisions rather than shape them through co-equal participation.
- Early planning documents are not shared with Tribes or are only made available in inaccessible formats or technical language.
- Tribes are forced to respond on short notice to projects they had no opportunity to help design or evaluate from the start.

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- Lack of early involvement leads to unnecessary conflicts, litigation, and delays that could be avoided through proactive engagement.
  - Tribes are not resourced to track early-stage projects across multiple jurisdictions and agencies.
  - Failure to include Tribes early increases the likelihood of damaging sacred sites, habitat, or subsistence areas.
  - Agencies and industry partners often view Tribal engagement as a risk management strategy rather than a sovereign right.
  - There is no accountability when agencies proceed with project development despite documented Tribal objections.
  - Early engagement is often limited to federal lands, excluding Tribal interests in ceded territories or shared ecosystems.
  - Tribal cultural priorities are rarely reflected in preliminary alternatives analysis or site evaluation criteria.
  - Some agencies rely on pre-determined assumptions about “low impact” areas without Tribal verification.
  - Without early participation, Tribes cannot propose project alternatives that avoid harm to people, land, and heritage.
  - The absence of Tribes from early planning perpetuates extractive patterns and undermines long-term trust.
  - Tribes emphasized that early, formalized involvement is not optional—it is a legal and moral obligation of the United States.

## **9. Exclusion from Emergency Response and Infrastructure Planning**

### **Consolidated Concerns:**

- Tribal governments are excluded from federal and regional emergency energy planning processes despite being directly impacted.
- EO 14156 accelerates infrastructure permitting without Tribal participation in defining emergency needs or priorities.
- Emergency declarations do not automatically trigger consultation with Tribes whose lands, rights, or resources may be affected.
- Tribes are not represented in state or federal infrastructure coordination bodies or interagency response teams.
- The Department fails to consider how energy emergencies (e.g., blackouts, fuel shortages) disproportionately affect remote Tribal communities.
- Tribal energy needs and vulnerabilities are not reflected in national resilience or grid modernization strategies.
- Infrastructure planning does not account for the specific logistical and environmental challenges faced by Tribal Nations.
- There are few opportunities for Tribes to secure funding for localized energy infrastructure that supports self-sufficiency.
- Emergency response protocols often rely on state intermediaries, bypassing direct Tribal access and decision-making authority.

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- Tribes lack access to federal emergency communication and data systems used in crisis coordination.
  - Infrastructure development decisions are made without input from Tribal utility authorities or energy planners.
  - Projects sited in response to emergencies may damage cultural landscapes, watersheds, or Treaty-reserved resources.
  - Energy resilience metrics used by agencies do not incorporate Tribal values, climate realities, or intergenerational planning.
  - Emergency mitigation plans rarely include traditional knowledge or community-led climate adaptation strategies.
  - Tribes report that their emergency preparedness plans are not recognized as valid by federal partners.
  - Federal disaster relief or energy deployment frameworks often exclude Tribes from priority assistance designations.
  - There is no clear federal policy requiring Tribes to be included in pre- or post-disaster energy recovery planning.
  - Coordination between the Bureau of Indian Affairs (BIA), Federal Emergency Management Agency (FEMA), and other agencies is inconsistent or absent.
  - Infrastructure built under emergency declarations frequently proceeds without any Tribal consultation or cultural resource review.
  - Tribes emphasized that being left out of emergency and infrastructure planning perpetuates energy insecurity, colonial decision-making, and systemic neglect.

## **10. Exclusion of Elders, Youth, and Traditional Knowledge Holders**

### **Consolidated Concerns:**

- Federal consultation processes do not actively include or prioritize input from Tribal elders or traditional knowledge holders.
- Youth voices are rarely included in policy planning, despite being central to Tribal continuity and self-determination.
- Cultural leaders and ceremonial practitioners are excluded from environmental, education, and land management decision-making.
- Federal policies often rely solely on Western scientific frameworks, sidelining Indigenous ecological and spiritual knowledge.
- Intergenerational programs that connect elders and youth receive limited federal support and are often ineligible for mainstream grants.
- Elders' cultural knowledge is at risk of being lost due to insufficient investment in language preservation and oral history programs.
- Youth leadership development is underfunded, fragmented, or treated as supplemental rather than integral to governance.
- Federal research and data collection in Indian Country typically ignore cultural protocols and fail to involve knowledge holders.
- Traditional ecological knowledge is not factored into land use, climate, or emergency planning processes.



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- Programs designed for Tribal communities are often developed without input from those with lived historical and cultural experience.
  - The Department does not provide mechanisms for compensating knowledge holders for their contributions in planning or consultation.
  - Youth participation in federal advisory groups or education councils is inconsistent and lacks decision-making authority.
  - There is no interagency strategy to include Indigenous knowledge systems in cross-sector federal policies.
  - Knowledge holders are often treated as symbolic participants rather than policy influencers.
  - The exclusion of elders and youth from official processes weakens the legitimacy and effectiveness of federal-Tribal collaboration.

## **11. Disregard for Tribal Consent in Emergency or Permitting Decisions**

### **Key Concerns:**

- The Department are proceeding with energy and infrastructure projects on or near Tribal lands without securing Tribal consent, relying instead on consultation processes that are either inadequate, post-decisional, or purely symbolic.
- Emergency declarations are being used to fast-track permitting decisions that impact Tribal rights, cultural resources, and sacred landscapes, bypassing the need for environmental review and Tribal participation.
- Categorical exclusions (CEs) are applied in ways that disregard Tribal concerns, especially in cases involving right-of-way expansions, utility corridors, or transmission line projects across ancestral lands.
- Tribes reported being informed of major projects only after permits were issued or construction had begun, effectively eliminating their ability to protect sensitive sites or assert jurisdictional interests.
- The current federal framework treats Tribal Nations as stakeholders rather than sovereign governments, undermining their legal status and authority over decisions that affect their communities and environments.
- Some Tribes emphasized that "consultation fatigue" stems from repeated experiences of being invited to provide input without any influence on outcomes, which damages long-term relationships and trust.
- There is no clear federal policy that requires consent for actions taken under emergency authority, creating a legal and ethical gap in agency accountability.
- Lack of transparency in emergency permitting decisions leaves Tribal governments with limited recourse, especially when decisions are made under accelerated timelines or delegated to contractors unfamiliar with Tribal law.
- Tribes called for codification of Tribal consent as a baseline standard in federal emergency response and permitting law, aligned with the principles of free, prior, and informed consent (FPIC) recognized under international norms.

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## Appendix E – Cross-Cutting Concerns

The bullet points listed under each of the 13 Cross-Cutting Concerns represent specific, detailed issues raised through oral and written comments submitted during the consultation sessions for Executive Orders 14210 and 14156. These points reflect themes that are unique or region-specific observations that may not have aligned neatly under the previously established 22 or 11 key themes.

Each bullet is intended to:

- Summarize a distinct concern or problem voiced by Tribes regarding structural barriers, policy failures, or unmet federal responsibilities;
- Preserve the specificity and context of Tribal testimony, including technical, cultural, legal, and programmatic dimensions;
- Highlight perspectives that might otherwise be overlooked, including those from small Tribes, and urban Native communities;
- Support transparency and inclusiveness by ensuring even infrequently raised concerns are acknowledged and reflected in the public record;
- Inform actionable recommendations and equitable policy reform, especially in areas where systemic gaps in federal engagement or accountability were identified.

Collectively, these bullet points form a complementary layer of analysis that enhances the transparency and completeness of the consolidated consultation findings. They ensure that every category of Tribal concern—whether widely echoed or uniquely expressed—is honored, recorded, and made visible to federal decision-makers.

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### 1. Lack of Legal Enforcement Mechanisms for Federal Accountability

Key Concerns:

- There is no uniform enforcement mechanism to hold the Department accountable for violating the trust responsibility, resulting in inconsistent treatment and limited recourse for Tribes.
- Consultation requirements are often framed as policy expectations rather than legal obligations, enabling agencies to disregard Tribal input without consequence.
- Federal personnel who fail to uphold Tribal rights or obligations rarely face disciplinary or administrative review, allowing harmful practices to persist unchallenged.
- Tribes lack access to consistent appeals processes or independent oversight bodies when the Department fails to deliver timely services or consult meaningfully.
- Administrative procedures to challenge agency decisions are often complex, time-consuming, and financially burdensome, disadvantaging smaller or under-resourced Tribal governments.

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- Existing accountability mechanisms, such as Government Accountability Office (GAO) reviews or Inspector General investigations, do not provide timely relief or corrective action for affected Tribal communities.
  - There is no legally binding consultation framework with enforceable timelines, standards, or consent requirements, particularly under emergency permitting or organizational restructuring.
  - Without statutory backing, Executive Orders and agency policy statements lack the legal weight necessary to protect Tribal rights in court or administrative proceedings.
  - Tribes called for the establishment of formal legal safeguards, including statutory consultation requirements, administrative remedies, and independent Tribal oversight councils, to strengthen agency accountability.

## **2. Federal Misinterpretation of Tribal Consultation as Outreach or Notification**

### **Key Concerns:**

- The Department treats consultation as equivalent to outreach or notification, rather than as a sovereign-to-sovereign dialogue that shapes outcomes.
- Consultation often consists of one-way presentations or webinars, with limited or no opportunity for Tribal leaders to ask questions, offer input, or engage in decision-making.
- Mass emails, short-notice invitations, and generic briefings are substituted for formal consultation, signaling disrespect for Tribal time, governance processes, and expertise.
- Many Tribes reported being excluded from early-stage policy development, learning of agency plans only after decisions had already been made.
- Consultation protocols vary widely across departments and regions, with no consistent enforcement, monitoring, or quality control of engagement practices.
- Federal officials conducting consultations often lack adequate training in the trust responsibility or Tribal governance, leading to ineffective or inappropriate interactions.
- Some agencies prioritize consultation with state or local governments over Tribal Nations, further diluting Tribal voices in policy and permitting decisions.
- Tribes expressed frustration that their feedback often appears to be disregarded or minimized in official records, with no explanation or follow-up on how input was incorporated.
- Tribal commenters called for codification of a binding federal consultation framework, including formal definitions, clear triggers, consent-based standards, and Tribal review mechanisms to ensure compliance.

## **3. Exclusion of Urban Indian Communities from Federal Program Design**

### **Key Concerns:**

- Federal programs often exclude or overlook urban Native communities, despite their size, diversity, and proximity to major service hubs.
- Urban Indian Organizations (UIOs) receive disproportionately low funding, particularly in comparison to other Indian Health Service (IHS) divisions and Tribal providers.

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- Federal policy frameworks frequently assume Tribal citizens reside on or near reservations, ignoring the mobility, diversity, and urban migration trends of Native populations.
  - Urban Native people face significant barriers to accessing culturally relevant services, including healthcare, education, mental health, and housing programs.
  - Many federal grant opportunities are only available to federally recognized Tribes, making it difficult for UIOs or urban-serving nonprofits to compete or access direct support.
  - Consultation sessions rarely include UIOs or urban Native representatives, leading to policies that are not reflective of their needs or realities.
  - Disaggregated data on urban Indian health, education, and housing needs is lacking, further marginalizing urban Native concerns in federal planning.
  - Some Tribes emphasized that their citizens in urban areas remain part of the Tribal Nation, and urged agencies to ensure those citizens are not “left behind” in federal decision-making.
  - Commenters called for intentional inclusion of urban Indian voices in policy design, expanded eligibility for UIOs, and the integration of urban Native data in program planning and performance metrics.

#### **4. Failure to Support Tribal Emergency Preparedness and Climate Resilience**

##### **Key Concerns:**

- Tribes are often excluded from federal emergency preparedness and climate response planning, despite being on the frontlines of climate-related disasters.
- Federal funding for emergency preparedness is fragmented, competitive, or tied to state channels, limiting Tribal access to timely and adequate resources.
- The federal government fails to recognize the role of Tribal Nations as first responders within their own jurisdictions, leading to jurisdictional confusion and poor coordination during emergencies.
- Tribes lack equitable access to infrastructure investments for climate adaptation, including clean energy, broadband, fire management, and water systems.
- Climate change is degrading sacred sites, disrupting traditional subsistence practices, and displacing Tribal communities, yet the Department has no coordinated strategy to support cultural and environmental resilience.
- Indigenous science and Traditional Ecological Knowledge (TEK) are rarely integrated into federal climate assessments or disaster planning, despite repeated Tribal requests.
- Some Tribes described FEMA processes as culturally inappropriate, overly bureaucratic, or incompatible with Tribal governance structures.
- There is limited support for training, technical assistance, and capacity-building within Tribal emergency management systems, especially for smaller or rural Tribes.
- Tribes urged the federal government to treat emergency preparedness and climate adaptation as core trust obligations, requiring interagency coordination, direct investment, and culturally appropriate partnerships.

#### **5. Inadequate Respect for Tribal Languages in Government Communication**

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Key Concerns:

- The Department rarely provides translations of critical materials in Indigenous languages, excluding elders and first-language speakers from fully participating in government processes.
- Consultation sessions, public notices, and policy documents are often issued only in English, limiting accessibility for Tribal communities with high percentages of fluent Native speakers.
- Tribal language revitalization programs receive limited or unstable funding despite clear links to education outcomes, mental health, and cultural preservation.
- There is no federal mandate to support Tribal language use in communications or services, even in areas such as public health, emergency alerts, or education.
- Agencies often ignore opportunities to partner with Tribes in co-developing bilingual resources, curriculum, or culturally grounded outreach materials.
- Federal education systems, including BIE, have not consistently prioritized Indigenous language instruction, and some Tribes reported language programs being cut or under-resourced.
- Lack of cultural and linguistic relevance in program design contributes to low engagement, especially among youth, elders, and culturally embedded community members.
- Some Tribes emphasized that language revitalization is not ancillary, but central to sovereignty, self-determination, and healing from historical trauma.
- Tribes called for federal policies that formally recognize, protect, and promote Indigenous language rights, including funding parity, translation resources, and culturally responsive government communication practices.

## **6. Undervaluing of Indigenous Science in Federal Environmental Policy**

Key Concerns:

- The Department often treats Indigenous science as supplementary or advisory, rather than as a valid, sovereign system of environmental knowledge.
- Traditional Ecological Knowledge (TEK) is inconsistently integrated into federal environmental assessments, land use decisions, and restoration projects, despite public commitments to inclusion.
- Some agency staff lack understanding of Indigenous science frameworks, leading to misinterpretation, tokenism, or dismissal of Tribal expertise.
- Federal review processes prioritize Western scientific models, limiting opportunities for Tribes to guide environmental decision-making with culturally grounded data and practices.
- Tribal representatives are rarely included as lead partners or co-equal experts in environmental impact assessments, species protection, or climate adaptation planning.
- Successful Tribal land stewardship and climate resilience programs often go unrecognized, receiving minimal technical assistance or federal investment.
- Current agency approaches to co-stewardship lack clear standards for knowledge-sharing protocols, intellectual property protections, and cultural data sovereignty.

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- Tribes emphasized that Indigenous science is not static or informal, but dynamic, intergenerational, and critical to ecosystem balance, biodiversity, and sustainability.
  - Commenters urged the Department to formally recognize Indigenous science in rulemaking, performance measures, and cross-agency climate and environmental frameworks, alongside academic and technical knowledge systems.

## **7. Insufficient Integration of Tribal Economies into National Energy Strategy**

### **Key Concerns:**

- Federal energy policy fails to include Tribes as equal economic partners, treating Tribal lands as corridors or sites rather than as sovereign economies.
- Tribes are rarely included in early-stage planning for national energy projects, limiting their ability to shape outcomes or negotiate equitable terms.
- Energy infrastructure sited on or near Tribal lands often proceeds without fair compensation, revenue sharing, or benefit agreements, undermining economic self-determination.
- Federal energy grant and loan programs are not designed to meet the unique needs of Tribal governments and enterprises, resulting in low application and award rates.
- Many Tribal Nations lack access to federal energy procurement opportunities, even when they own and operate renewable energy infrastructure.
- Tribal utility authorities and energy offices remain under-resourced, receiving limited support for staffing, interconnection, regulatory compliance, or grid modernization.
- Some Tribes expressed concern that national energy initiatives prioritize corporate partnerships over Tribal self-development, reinforcing patterns of economic extraction.
- Agencies do not systematically collect or report data on Tribal energy production, needs, or contributions, leaving Tribal economies invisible in federal energy forecasting.
- Tribes called for federal recognition of Tribal energy sovereignty, dedicated investment streams, technical assistance, and full integration of Tribal energy policy into national planning frameworks.

## **8. Lack of Federal Coordination with Tribal Utility Authorities (TUAs)**

### **Key Concerns:**

- Federal infrastructure and emergency response planning often overlooks Tribal utility authorities, resulting in duplicative or misaligned efforts.
- TUAs are not routinely invited to planning sessions, funding consultations, or interagency coordination meetings, despite their critical role in delivering power, water, and broadband.
- Grant applications and technical assistance programs are not tailored to the structure or capacity of TUAs, making it difficult for them to compete for infrastructure investment.
- Some Tribes reported delays or denials in project approvals due to federal misunderstanding of Tribal regulatory authority over utility services.
- Federal agencies often default to working through state or regional utilities, bypassing Tribal utility entities and undermining local sovereignty.
- There is no centralized database or formal recognition system for TUAs, limiting federal visibility and collaboration opportunities.

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- Lack of coordination during emergencies (e.g., wildfires, blackouts, water contamination) leaves TUAs without timely support or integration into federal response frameworks.
  - Commenters emphasized that TUAs face unique challenges in remote service areas, such as high costs, aging infrastructure, and supply chain gaps, requiring dedicated federal partnerships.
  - Tribes called for formal recognition of Tribal utility authorities in federal programs, standardized coordination protocols, and targeted investment to support Tribal-led service delivery.

## **9. Neglect of Intergenerational Trauma in Workforce and Education Programs**

### **Key Concerns:**

- Federal workforce and education programs rarely include trauma-informed design, failing to address the lingering impacts of historical trauma on Native communities.
- Youth and families affected by boarding school legacies, relocation, and cultural erasure face unique barriers to academic and employment success, which federal systems often overlook.
- Many federally funded programs use Western models of behavioral health and education, excluding Indigenous healing practices, cultural values, and family-based approaches.
- The mental health needs of Native youth are rising, yet federal responses remain fragmented, underfunded, or culturally inappropriate.
- Educational assessments and curricula often ignore historical trauma and Indigenous resilience, perpetuating alienation and disengagement among Native students.
- Tribes reported that federally funded education and workforce programs do not allocate resources for cultural mentors, language immersion, or land-based learning, which are essential for healing and identity.
- Standard metrics for program success (e.g., job placement, test scores) fail to capture well-being, cultural connection, or healing outcomes, which are priorities in Tribal communities.
- Lack of coordination between federal education, health, and human services agencies hinders integrated approaches to trauma recovery.
- Tribal commenters called for the federal government to embed trauma-informed practices and culturally specific healing models into all education and workforce initiatives serving Native people.

## **10. Limited Access to Legal and Technical Assistance for Small Tribes**

### **Key Concerns:**

- Smaller and rural Tribes often lack in-house legal counsel or technical staff, leaving them underprepared to engage with complex federal initiatives.
- Limited staffing capacity makes it difficult for small Tribes to participate in consultation sessions, permitting reviews, or grant writing, despite being directly affected by federal decisions.
- The Department does not routinely offer dedicated technical assistance for small or isolated Tribal governments, creating inequity in access to programs and opportunities.

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- National or regional Tribal support organizations may not have the bandwidth to assist every Tribe, and services may be concentrated in specific geographic areas.
  - Legal assistance programs are often geared toward litigation rather than proactive governance or policy navigation, leaving gaps in everyday support needs.
  - Competitive grant structures disadvantage small Tribes, which may not have the personnel or legal knowledge to meet administrative and compliance requirements.
  - Some Tribes reported difficulty interpreting federal regulations and applying for waivers or exemptions due to a lack of specialized technical guidance.
  - Emergency response, energy permitting, and infrastructure planning often require engineering or environmental expertise that small Tribes cannot readily access.
  - Commenters urged the federal government to create regionally accessible, on-demand legal and technical assistance programs, focused on equity, capacity-building, and long-term self-determination for small and rural Tribal Nations.

## **11. Ongoing Effects of Federal Neglect on Native Women and Families**

### **Key Concerns:**

- Native women continue to experience disproportionately high rates of violence, homicide, and sexual assault, yet federal resources and protections remain inadequate.
- MMIW task forces and investigations lack sustained funding, Tribal leadership, and interagency coordination, limiting their impact on prevention and justice.
- Jurisdictional limitations in prosecuting non-Native offenders on Tribal lands remain a barrier, despite the passage of laws like the Violence Against Women Act (VAWA).
- Maternal and reproductive health services are under-resourced in Indian Country, leading to poor outcomes for Native women and families.
- Federal child welfare systems continue to disrupt Native family structures, often removing children without adequate Tribal consultation or support for family preservation.
- There is insufficient support for culturally grounded healing programs for survivors of violence, displacement, or generational trauma.
- Programs serving Native families frequently overlook the role of women as cultural and political leaders, reinforcing marginalization in governance and planning.
- Commenters noted that Native LGBTQ2S+ and gender-diverse individuals face compounded invisibility and risk, and called for inclusive programming that affirms Indigenous gender identities.
- Commenters urged the federal government to treat the safety and empowerment of Native women and families as a core trust responsibility, requiring interagency alignment, community-based investment, and cultural restoration.

## **12. Minimal Support for Cross-Jurisdictional Tribal Law Enforcement**

### **Key Concerns:**

- Tribal police departments face significant barriers in exercising full jurisdiction over criminal offenses on Tribal lands, especially when non-Native individuals are involved.
- Lack of cross-deputization agreements with federal and state agencies limits Tribal authority and leads to inconsistent law enforcement coverage.



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- Tribal law enforcement agencies are chronically underfunded, lacking the personnel, training, and equipment necessary to maintain safe communities.
  - Federal programs supporting Tribal law enforcement (e.g., COPS, BIA-OJS) are competitive and insufficient, leaving many small or rural Tribes without access to sustained support.
  - Delays in federal prosecution and failure to coordinate with U.S. Attorneys' offices often leave serious crimes unresolved, especially in violence against women and drug trafficking cases.
  - There is no standardized framework for interagency cooperation or information-sharing, leading to confusion over investigative authority and response protocols.
  - Tribal Nations with checkerboard or allotment lands face additional enforcement difficulties, due to mixed jurisdiction and unclear ownership patterns.
  - Tribal corrections and detention facilities are also under-resourced, compounding challenges in law enforcement and rehabilitation.
  - Commenters called for the expansion of Tribal criminal jurisdiction, especially under VAWA and TLOA, as well as full funding for Tribal public safety infrastructure and cross-jurisdictional collaboration mechanisms.

### **13. Insufficient Tribal Access to Federal Energy Data and Modeling Tools**

#### **Key Concerns:**

- Federal energy data platforms and modeling tools are not easily accessible to Tribal governments or are restricted to state or utility users.
- Tribes lack timely and localized access to transmission maps, resource potential data, and interconnection queues, which are critical for energy planning and permitting.
- Some federal tools (e.g., NREL models, DOE platforms) require technical capacity or software licenses that Tribes may not have, especially smaller or rural Nations.
- Existing data platforms often exclude Tribal-specific geospatial layers, land status information, or rights-of-way complexities that are essential for infrastructure development.
- Without access to real-time data and grid modeling tools, Tribes are at a disadvantage when competing for grants or negotiating with utilities and developers.
- Tribes are rarely consulted in the development of federal modeling assumptions, which may overlook Tribal land use patterns, energy priorities, and regulatory frameworks.
- Technical assistance to use and interpret data tools is limited, and often not tailored to the specific needs or legal contexts of Tribal Nations.
- Commenters noted that some federal agencies prioritize investor-owned utility input over Tribal expertise, skewing planning outcomes in national and regional forums.
- Tribes called for full access to federal energy data systems, co-development of user interfaces tailored for Tribal use, and investment in Tribal energy data sovereignty and capacity-building.

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## Appendix F – Government Efficiency Consolidated Recommendations

The bullet points listed under each of the 22 consolidated key themes represent a structured synthesis of the full range of oral and written comments submitted during the Executive Order 14210 Tribal Consultation process. These concerns reflect the lived experiences, institutional challenges, and policy barriers voiced by participants across diverse regions and Tribal contexts.

Each bullet point captures a distinct, recurring issue or systemic pattern identified by one or more commenters. While they do not quote individual speakers verbatim, the points are derived directly from documented testimony and written submissions. They are intended to preserve the specificity and integrity of the concerns raised, while offering a transparent and accessible format for identifying the most pressing issues related to federal trust obligations, program delivery, and Tribal self-governance.

This consolidated structure allows analysis and comparison, and it ensures that Tribal voices are documented in a form that informs future agency planning, accountability measures, and co-governance efforts under EO 14210 and related initiatives.

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### 1. Uphold the Federal Trust Responsibility in All Agency Actions

Top Tribal Recommendations:

- Codify the federal trust responsibility in EO 14210 implementation plans and agency strategic frameworks.
- Mandate trust responsibility training for all federal employees interfacing with Tribal Nations.
- Create clear, measurable agency benchmarks for fulfilling trust duties, including funding adequacy, service quality, and cultural protection.
- Require annual public reporting by all relevant agencies on trust-related performance and outcomes.
- Ensure that trust services—such as probate, leasing, education, and healthcare—are funded as non-discretionary and immune to budget fluctuations.
- Recognize sacred sites, cultural preservation, and subsistence rights as integral to the trust obligation and not treated as secondary issues.
- Implement interagency agreements to avoid service gaps and ensure seamless delivery of trust-related programs.
- Include Tribal representatives in the formulation of federal budgets to ensure alignment with trust responsibilities.
- Eliminate grant-based models where they replace core trust obligations, especially in education, public safety, and housing.
- Adopt a government-wide trust responsibility policy that applies uniformly to all agencies engaging Tribal Nations.

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## **2. Strengthen Meaningful Tribal Consultation as a Mandatory Practice**

### **Top Tribal Recommendations:**

- Codify consultation as a binding obligation across the Department, tied directly to the implementation of EO 14210 and the trust responsibility.
- Require consultation at the earliest stages of federal planning, budgeting, reorganization, and policy development—not after key decisions are made.
- Establish internal agency accountability mechanisms—including audit trails, consultation impact summaries, and executive review requirements.
- Create a federal consultation performance metric or scorecard that agencies must report on annually, including Tribal feedback on quality and outcomes.
- Ensure that Tribal recommendations from consultation sessions are clearly documented, formally responded to, and incorporated into decision-making.
- Require agency staff involved in consultation to undergo regular training on legal obligations, cultural competency, and Nation-to-Nation diplomacy.
- Establish clear thresholds for when Tribal consent—not just consultation—is required, especially for decisions with long-term or treaty-based implications.
- Develop shared consultation protocols co-created with Tribes that include timelines, formats, response expectations, and documentation standards.
- Fund Tribal governments to fully participate in consultation, including travel, technical review, and legal analysis, to ensure equity in process capacity.
- Prohibit agencies from using notification, listening sessions, or information briefings as substitutes for formal, structured consultation.
- Mandate post-consultation evaluation processes to assess whether Tribal feedback materially influenced final agency actions.

## **3. Provide Direct Funding to Tribes**

### **Top Tribal Recommendations:**

- Transition all eligible Tribal programs under EO 14210 to direct federal funding models.
- Ensure that all Tribes, regardless of size or location, have equitable access to direct funding without overly complex application or reporting burdens.
- Establish multi-year, recurring funding agreements that support long-term Tribal planning and capacity-building—not one-time grants.
- Create or expand block grant models for Tribes that allow for flexible use of funds aligned with local priorities and integrated service delivery.
- Provide technical assistance to Tribes to transition from pass-through arrangements to direct funding relationships, including legal and administrative support.
- Ensure that any competitive grant programs include set-asides or carve-outs exclusively for Tribal Nations, with simplified application processes.
- Develop direct-funding mechanisms for Tribes within agencies that traditionally operate through states, such as DOE, DOT, USDA, and EPA.
- Mandate that any third-party entity administering funds to Tribes be held to strict transparency, oversight, and Tribal consultation requirements.

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- Include Tribal representatives in the design of funding formulas and allocation methodologies to ensure they reflect Tribal needs and realities.

#### **4. Protect and Advance Tribal Self-Governance and Sovereignty**

##### **Top Tribal Recommendations:**

- Affirm Tribal self-governance and sovereignty as foundational principles guiding all EO 14210 implementation decisions and agency actions.
- Ensure that no federal restructuring, program consolidation, or funding change proceeds without Tribal consultation and the option to preserve self-governance agreements.
- Expand self-governance authority beyond DOI and IHS to include other agencies such as EPA, USDA, DOE, and HUD.
- Protect and reinforce the rights of Tribes to assume control over programs and services through Title IV and Title V compacts and contracts.
- Prohibit the Department from imposing one-size-fits-all program standards or administrative procedures that override Tribal laws, customs, or systems.
- Establish clear agency protocols requiring that all program and regulatory changes respect the government-to-government relationship.
- Provide legal and technical assistance to Tribes seeking to enter or expand self-governance agreements.
- Create flexible funding mechanisms that recognize Tribal jurisdiction and allow Tribes to determine how to meet community needs.
- Recognize Tribal regulatory authority in areas such as environmental protection, education, and emergency response, particularly where federal or state systems fall short.
- Incorporate Tribal law and policy into federal program frameworks where services are delivered on Tribal lands or in partnership with Tribes.

#### **5. Eliminate Redundant Reporting and Streamline Administrative Burdens**

##### **Top Tribal Recommendations:**

- Establish a federal Tribal reporting task force to eliminate redundant or low-value reporting requirements across agencies.
- Standardize federal grant reporting formats and submission platforms to reduce duplication and administrative confusion.
- Align reporting cycles and deadlines across agencies (e.g., DOI, DOE, USDA, EPA) to streamline Tribal grant and program compliance.
- Eliminate data collection requirements that are not tied to program improvement, Tribal accountability, or trust responsibility obligations.
- Allow Tribes to submit consolidated annual reports covering multiple funding streams rather than disaggregated reports per grant.
- Provide Tribes with options for narrative-based reporting that honors Indigenous evaluation methods, alongside standard quantitative data.
- Ensure Tribal governments help co-design federal performance metrics and reporting criteria, especially in culturally based programs.

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- Invest in Tribal data systems and administrative infrastructure to support reporting compliance while reducing manual burdens.
  - Designate Tribal program officers within agencies to assist with reporting compliance, data system access, and technical troubleshooting.
  - Suspend non-critical reporting during emergencies, natural disasters, or significant staff transitions to support continuity of services.
  - Ensure that reporting reforms prioritize Tribal input, transparency of federal use of data, and alignment with self-governance principles.

## **6. Halt Harmful Workforce Reductions and Reorganize with Tribal Input**

### **Top Tribal Recommendations:**

- Implement a formal pause on all federal workforce reductions within Indian Affairs and Tribal-serving agencies until Tribal consultation is completed.
- Require the Department to co-design reorganization plans with Tribes, including impact assessments, staffing projections, and service continuity strategies.
- Protect field office and agency-level staffing from cuts, especially in regions already experiencing delays in trust services, education, or infrastructure.
- Prioritize filling vacant positions at BIA and BIE before initiating any structural reorganization or workforce streamlining.
- Include Tribes in workforce restructuring committees and require joint Tribal–federal planning before any staff reassignment or regional realignment.
- Create federal-to-Tribal transfer pathways that allow Tribes to assume management of services with corresponding staffing and funding.
- Mandate Tribal hiring preference and expand Indian Preference authority to all relevant positions within DOI and other agencies.
- Develop mentorship and career development programs to build a pipeline of Indigenous professionals into federal and Tribal service roles.
- Conduct regional workforce needs assessments in partnership with Tribal governments to inform staffing levels and resource allocation.
- Preserve institutional knowledge by documenting key roles, relationships, and local expertise before any personnel transitions.
- Ensure that workforce planning prioritizes uninterrupted delivery of trust responsibilities, education, and public safety services.

## **7. Fully Fund and Prioritize Tribal Colleges and Universities (TCUs)**

### **Top Tribal Recommendations:**

- Establish permanent, direct federal funding streams for TCUs that reflect their unique status as Tribal land-grant institutions.
- Fulfill funding commitments under the Tribally Controlled Colleges and Universities Assistance Act and increase per-student allocations.
- Prioritize TCUs in infrastructure investment programs to modernize classrooms, labs, dormitories, and broadband access.
- Ensure TCUs are eligible for all relevant federal funding opportunities across DOE, DOI, USDA, NSF, EPA, and other agencies.

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- Create interagency guidance recognizing TCUs as core partners in Tribal workforce development, climate resilience, and data sovereignty.
  - Support TCU-led research and knowledge production in areas such as energy, environmental science, education, health, and language revitalization.
  - Include TCU leadership in national policy advisory committees and Tribal consultation processes tied to EO 14210 and related reforms.
  - Increase funding for scholarship, internship, and faculty development programs to strengthen the academic pipeline for Native students.
  - Develop a TCU Infrastructure Fund to address years of federal disinvestment and deferred maintenance on Tribal campuses.
  - Integrate TCUs into federal workforce plans as training hubs for Native professionals entering public service.
  - Honor the sovereign governance structures of TCUs by ensuring that funding and accreditation policies respect Tribal law and authority.

## **8. Resolve Trust Services, Realty, and Probate Backlogs Promptly**

### **Top Tribal Recommendations:**

- Develop and implement a national trust services backlog reduction plan in consultation with Tribes, with measurable timelines and progress benchmarks.
- Prioritize hiring and retention of qualified staff in realty, probate, and land title offices—especially in underserved regional and agency locations.
- Create fast-track pathways for Tribal projects delayed by BIA realty or probate bottlenecks (e.g., housing, business development, land use).
- Modernize and digitize trust asset systems, including TAAMS and land title records, to ensure accuracy and timely access.
- Increase transparency in case processing by allowing Tribes to track the real-time status of trust, leasing, and probate requests.
- Expand Tribal authority to conduct or co-manage trust transactions, appraisals, and probate functions under compact or contract agreements.
- Conduct a national review of realty and probate caseloads, office capacity, and process inefficiencies in partnership with Tribal governments.
- Create dedicated BIA trust services support teams to assist Tribes with technical documentation and regulatory compliance.
- Establish regional Tribal–federal working groups to troubleshoot chronic delays and propose process innovations.
- Ensure probate processes are accessible, culturally competent, and do not create undue burdens for Native families.
- Provide grant support for Tribal estate planning, land use planning, and probate education to reduce future case loads and inheritance conflicts.

## **9. Support Land into Trust and Promote Tribal Economic Sovereignty**

### **Top Tribal Recommendations:**

- Streamline the land-into-trust application process by reducing duplicative steps, clarifying documentation requirements, and setting enforceable review timelines.

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- Eliminate legal and administrative barriers imposed by the *Carcieri* decision by supporting a legislative fix or policy reinterpretation.
  - Provide dedicated funding to assist Tribes in preparing and advancing land-into-trust applications, especially for landless and rural Nations.
  - Create clear federal standards that prohibit the reversal of land-into-trust decisions once finalized.
  - Allow Tribes to prioritize fee-to-trust acquisitions based on cultural, environmental, and economic goals—not solely on contiguity or jurisdictional preference.
  - Support Tribal economic development through tax parity policies that prevent dual taxation of Tribal enterprises on trust lands.
  - Facilitate interagency coordination for land-into-trust approvals when lands are acquired for infrastructure, housing, or emergency use.
  - Recognize the connection between land recovery and Tribal healing, language revitalization, and food sovereignty in federal planning.
  - Establish regional land-into-trust advisory boards with Tribal participation to resolve bottlenecks and improve consistency.
  - Provide technical assistance and model documents to support Tribes navigating trust acquisitions for commercial, residential, or cultural use.
  - Incorporate Tribal input into DOI policy revisions regarding land acquisition regulations (25 CFR Part 151 and others).

## **10. Safeguard Tribal Subsistence Rights and Cultural Lifeways**

### **Top Tribal Recommendations:**

- Affirm Tribal subsistence rights as a federal trust obligation in all relevant policies, land management decisions, and permitting processes.
- Ensure the Department meaningfully consults with Tribal governments before any action that could affect access to subsistence or sacred sites.
- Establish Tribal subsistence protections within EO 14210 implementation guidance, particularly in programs impacting land, water, and resource use.
- Recognize Indigenous food systems and lifeways as critical components of public health, cultural preservation, and climate resilience.
- Support Tribal co-management of natural and cultural resources to ensure traditional ecological knowledge informs policy and stewardship.
- Incorporate Tribal cultural impact assessments into federal project review processes, beyond conventional environmental assessments.
- Fund cultural and subsistence revitalization programs, including language restoration, traditional food harvesting, and knowledge transfer initiatives.
- Protect Tribal access to ancestral sites, migratory corridors, and traditional harvesting areas through federal easements and cooperative agreements.
- Expand subsistence rights protections beyond reservation boundaries to reflect historic use patterns and treaty territories.
- Designate federal agency liaisons or offices responsible for coordinating with Tribes on cultural and subsistence issues.

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- Ensure Tribal cultural priorities are integrated into agency reorganization, staffing, and budget allocation under EO 14210.

## **11. Improve Interagency Coordination to Support Tribal Nations**

### **Top Tribal Recommendations:**

- Establish formal interagency Tribal coordination offices or task forces for priority areas such as education, climate, infrastructure, and economic development.
- Create a shared Tribal engagement framework across agencies to ensure consistency in consultation, reporting, and grantmaking procedures.
- Designate Tribal liaisons in each agency who are empowered to coordinate with counterparts and escalate cross-cutting Tribal concerns.
- Mandate interagency coordination for grant programs that serve overlapping Tribal constituencies to reduce duplication and conflicting timelines.
- Develop joint agency guidance and MOUs that clarify roles, funding responsibilities, and collaboration pathways for Tribal programs.
- Require joint planning processes with Tribal governments when multiple agencies operate in the same region or policy space.
- Align federal funding calendars, performance metrics, and program requirements to reduce administrative burdens on Tribal staff.
- Create a centralized federal portal for Tribal governments to access agency contacts, funding opportunities, and program guidance.
- Hold quarterly or semiannual Tribal–federal coordination summits to address systemic barriers and review progress on interagency commitments.
- Ensure that interagency initiatives do not override Tribal sovereignty or bypass Tribal laws and policies.
- Incorporate Tribal feedback into the design of federal reorganizations to avoid unintended disruption from agency “efficiency” measures.

## **12. Ensure Continuity of Services During Organizational Changes**

### **Top Tribal Recommendations:**

- Require service continuity plans to be co-developed with Tribes prior to any reorganization, realignment, or staff transition.
- Establish service benchmarks and monitoring tools to track the impact of organizational changes on Tribal service delivery.
- Ensure that key program operations (e.g., trust services, education, public safety) are insulated from disruption during federal workforce changes.
- Provide direct communication to Tribes about the timing, scope, and anticipated impact of proposed structural changes.
- Protect frontline agency positions from downsizing or reassignment until alternate delivery methods are in place and evaluated.
- Include continuity clauses in Tribal funding agreements to ensure uninterrupted disbursement during agency restructuring.
- Empower Tribal governments to assume greater authority during federal transitions if continuity cannot be guaranteed.



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- Recognize continuity of services to Tribes as a key performance indicator in all agency strategic and workforce planning under EO 14210.

### **13. Expand Digital Access and Uphold Tribal Data Sovereignty**

#### **Top Tribal Recommendations:**

- Prioritize broadband expansion and digital infrastructure investment in Tribal communities, treating it as essential to public service delivery.
- Ensure that all federally funded programs support digital inclusion and technology modernization in Indian Country.
- Recognize and enforce Tribal data sovereignty by requiring agencies to obtain consent before collecting, storing, or sharing Tribal data.
- Establish Tribal data-sharing agreements that uphold ownership, control, access, and possession principles.
- Create dedicated grant programs for Tribal governments and TCUs to build internal data infrastructure, analytics capacity, and IT governance.
- Develop centralized federal guidance on respecting Indigenous data sovereignty across all agency programs.
- Ensure that Tribal broadband and IT initiatives are eligible under infrastructure, climate, health, and education funding streams.
- Support Tribal access to geospatial data, environmental modeling, and decision-support systems controlled by the Department.
- Mandate that federal digital services and portals be accessible to low-bandwidth users in remote or rural Tribal areas.
- Include Tribal experts and technologists in federal working groups on digital transformation and data governance.

### **14. Reinstate and Sustain Tiwahe and Holistic Family Programs**

#### **Top Tribal Recommendations:**

- Restore and permanently fund the Tiwahe Initiative as a core program supporting Indigenous family systems and intergenerational healing.
- Allow Tribes to tailor Tiwahe funding to address local priorities in child welfare, substance use, behavioral health, and cultural revitalization.
- Integrate Tiwahe principles into broader federal social service programs to promote culturally based, wraparound support.
- Recognize Tiwahe as a model of Tribal self-determination and include it in DOI's strategic planning.
- Fund capacity-building efforts so that additional Tribes can adopt, adapt, and scale Tiwahe-like models.
- Coordinate Tiwahe with other federal programs to reduce service fragmentation and support seamless case management.
- Create interagency guidance that incorporates traditional kinship structures and Indigenous healing into federal family service programs.
- Protect funding from political shifts by placing Tiwahe in the base budget with full Tribal flexibility.

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- Evaluate Tiwahe outcomes through Indigenous-informed methodologies that reflect community-defined success.
  - Train federal staff on the cultural and relational foundations of holistic family care as practiced by Tribes.
  - Establish a Tribal advisory council to oversee Tiwahe program design, implementation, and policy integration across agencies.

## **15. Preserve Institutional Knowledge and Stabilize the Tribal Affairs Workforce**

### **Top Tribal Recommendations:**

- Develop retention strategies and incentives to keep experienced personnel in Tribal-serving federal positions over the long term.
- Implement formal succession planning, mentorship programs, and knowledge transfer protocols within all Tribal Affairs offices.
- Establish required onboarding and cultural competency training for new staff working with Tribal Nations.
- Increase the use and enforcement of Indian Preference hiring and expand it across all positions affecting Indian Country.
- Fund career pathways for Native professionals within the Department through fellowships, internships, and advancement pipelines, such as Tribal Colleges and Universities.
- Mandate position stability in high-impact roles (e.g., superintendents, regional directors) to reduce churn and build long-term trust.
- Encourage the return or rehire of retired or separated staff with deep institutional knowledge through flexible employment options.
- Align federal reorganization and personnel changes with Tribal service timelines to avoid gaps in communication and program oversight.
- Mandate Tribal hiring preference and expand Indian Preference authority to all relevant positions within DOI and other agencies.

## **16. Invest in Tribal Infrastructure and Address Facility Backlogs**

### **Top Tribal Recommendations:**

- Create a permanent federal funding stream for Tribal infrastructure development that includes maintenance, modernization, and capital improvements.
- Establish need-based formulas that account for geographic remoteness, population served, and existing facility conditions.
- Prioritize replacement of failing or hazardous federal facilities operated by Tribes under self-governance compacts and contracts.
- Include Tribal administrative, judicial, and emergency response facilities as eligible infrastructure under all relevant federal programs.
- Coordinate interagency efforts to streamline funding applications and technical assistance for infrastructure and facilities planning.
- Provide advance appropriations or multi-year funding mechanisms to allow Tribes to undertake large-scale capital projects.

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- Ensure that new infrastructure projects incorporate sustainability, climate resilience, and culturally appropriate design elements.
  - Establish regional infrastructure assistance teams to provide project development, compliance support, and grant writing resources.
  - Fully fund facility improvement and construction programs within the BIE, BIA, and IHS.
  - Support Tribal infrastructure master planning efforts to align federal investments with long-term community goals.
  - Recognize that inadequate infrastructure impacts every sector—education, healthcare, public safety, and governance—and should be treated as an emergency priority.

## **17. Advance Equity for Small, Rural, and Underserved Tribal Nations**

### **Top Tribal Recommendations:**

- Create set-aside funding, simplified application processes, and non-competitive options specifically for small and rural Tribal Nations.
- Provide targeted technical assistance to underserved Tribes to support grant writing, compliance, and program implementation.
- Reform federal funding formulas to consider baseline needs and capacity—not just population size or past awards.
- Establish a federal equity office or task force focused on outreach and inclusion of historically under-resourced Tribal communities.
- Allow pooled funding or shared administrative services among neighboring small Tribes to promote efficiency without penalization.
- Ensure that all federal Tribal consultation efforts intentionally include representation from small and remote Tribal Nations.
- Translate grant materials and guidance into plain language and offer oral assistance for leaders with limited internet or bandwidth.
- Incorporate geographic isolation and infrastructure deficits as equity factors in federal scoring and prioritization.
- Recognize that equitable service delivery requires flexibility, cultural adaptation, and direct federal-Tribal relationships.
- Evaluate EO 14210 implementation through an equity lens to ensure reforms do not deepen disparities across Indian Country.

## **18. Develop a Clear Operational Plan with Metrics for EO 14210**

### **Top Tribal Recommendations:**

- Co-develop a detailed implementation plan for EO 14210 in partnership with Tribal governments, outlining scope, timelines, and roles.
- Include Tribal representatives in all federal working groups or committees responsible for operationalizing EO 14210.
- Publish clear performance metrics that assess not only efficiency, but service quality, trust responsibility fulfillment, and Tribal satisfaction.
- Mandate that operational plans include Tribal consultation protocols and impact assessments prior to implementing structural changes.

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- Establish a standing Tribal advisory committee to oversee implementation, raise concerns, and suggest real-time adjustments.
  - Align implementation with the federal trust responsibility, not solely agency cost-saving or reorganization goals.
  - Ensure operational plans explicitly address risks of service disruption, workforce displacement, and unintended harm to Tribal communities.

## **19. Honor the Trust Responsibility in Tribal Education Systems**

### **Top Tribal Recommendations:**

- Affirm and uphold the federal trust responsibility to Native education in all agency actions, budgets, and strategic plans.
- Protect BIE-operated and Tribally-controlled schools from cuts, consolidations, or reorganizations without Tribal consent.
- Establish a Tribal-federal education oversight body to guide BIE reforms and implementation of EO 14210 in education systems.
- Ensure funding formulas reflect actual need, student population, and the full cost of culturally appropriate education delivery.
- Integrate Tribal education departments (TEDs) into federal decision-making related to curriculum, standards, and oversight.
- Create permanent funding streams for language revitalization, culture-based education, and Tribal educator pipelines.
- Coordinate across BIE, IHS, and DOI to address student mental health, safety, and wraparound support services.
- Respect Tribal authority in the selection and evaluation of school leadership, including superintendents and principals.
- Provide technical assistance and facilities support for Tribally operated schools that lack access to quality infrastructure.
- Develop a federal education compact model that allows Tribal Nations to assume full control of their education systems under the trust responsibility.

## **20. Fulfill Federal Obligations to Support and Sustain TCUs**

### **Top Tribal Recommendations:**

- Honor the federal trust responsibility to TCUs by providing stable, direct, and mandatory base funding.
- Fund capital infrastructure improvements for TCU campuses, including classrooms, labs, housing, broadband, and energy systems.
- Ensure full eligibility for TCUs across all federal grant programs—especially those related to STEM, workforce development, and climate resilience.
- Create interagency initiatives to support TCU students through wraparound services, mental health, childcare, and housing assistance.
- Include TCU presidents and faculty in DOI and BIE advisory roles on education, research, and economic development.
- Develop cooperative agreements with TCUs to serve as research partners, training centers, and policy advisors to the Department and other federal agencies.

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- Establish a dedicated federal office or liaison to coordinate Tribal higher education policy and funding across agencies.
  - Expand scholarship and fellowship programs for Native students attending TCUs, including graduate and professional pathways.
  - Support Indigenous faculty development through tenure-track support, research opportunities, and salary parity.
  - Ensure TCUs have access to technical assistance and streamlined application processes for complex federal grants.
  - Treat TCUs as anchor institutions in their communities, with investment priorities equivalent to land-grant universities.

## **21. Correct Chronic Underfunding in Bureau-Funded and Tribal Schools**

### **Top Tribal Recommendations:**

- Increase base funding for all BIE-funded and Tribally controlled schools to meet actual operational, staffing, and curricular needs.
- Fully fund school construction, repair, and modernization projects for aging or unsafe school facilities.
- Implement multi-year funding agreements to allow for long-term educational planning and stability.
- Establish a formula that accounts for geographic isolation, small student populations, and culturally specific programming.
- Ensure equitable teacher and administrator pay across BIE and Tribal schools to support retention and recruitment.
- Include cultural education, language programs, and land-based learning in core federal funding streams.
- Address funding inequities in school transportation, food services, technology, and extracurricular programming.
- Provide emergency supplemental funding to address pandemic-related learning loss and facility deterioration.
- Expand grant access and administrative support for Tribes operating their own schools under self-governance models.
- Ensure timely disbursement of federal funds to prevent program interruptions and staffing gaps.
- Recognize Tribal schools as foundational institutions deserving of parity with state and public school systems.

## **22. Center Tribal Sovereignty in Education Governance and Policy**

### **Top Tribal Recommendations:**

- Support Tribal Nations in establishing fully sovereign education systems through Tribal Education Department (TED) authority, self-governance compacts, and recognition of Tribal standards.
- Amend federal statutes and regulations to expand Tribal jurisdiction over education policy, curriculum, and assessments.

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- Establish direct federal–Tribal compacts that enable Tribes to operate education systems independent of BIE oversight, where desired.
  - Ensure that Tribal education success indicators—such as language retention, cultural identity, and community leadership—are used in federal accountability frameworks.
  - Fund the development of Tribal education codes, accreditation systems, and curriculum standards that reflect Indigenous knowledge and values.
  - Include Tribal Education Departments (TEDs) in federal policymaking, program evaluation, and strategic planning processes.
  - Protect the legal and cultural autonomy of Tribal schools from federal interference or state encroachment.
  - Provide dedicated technical assistance and capacity-building resources for Tribes seeking to transition to self-determined education systems.
  - Recognize Tribal Nations as co-equal governments in all intergovernmental education initiatives, funding decisions, and performance evaluations.
  - Institutionalize Tribal consultation and consent requirements in any changes to BIE or DOI education structures.
  - Treat education as a core expression of sovereignty, on par with health, public safety, and natural resource governance.

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## Appendix G – Energy Emergency Consolidated Recommendations

The bullet points listed under each of the 11 consolidated key themes for EO 14156 represent the top Tribal recommendations gathered from both oral and written comments during the national Tribal consultation process. These recommendations distill common priorities raised across multiple formats—testimony, written submissions, and regional feedback—while preserving the specificity and intent of the original comments. Rather than presenting duplicative statements, the recommendations have been consolidated to eliminate redundancy and honor the diverse perspectives shared.

Each bullet point reflects a broader pattern of concern aligned with Tribal calls to uphold treaty rights, safeguard homelands, and respect Tribal sovereignty in the context of expedited energy permitting. These recommendations highlight both policy-specific and process-based changes that Tribal Nations believe are essential to ensuring federal accountability, equity, and environmental integrity under EO 14156. They emphasize structural reforms to how agencies implement consultation protocols, environmental protection laws, and emergency permitting procedures. Overall, the recommendations are representative of recurring Tribal voices and priorities and are grounded in the defense of cultural lifeways, Indigenous science, and sovereign governance systems.

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### **1. Protect Tribal Treaty Rights and Reserved Rights in All Permitting Decisions**

Top Tribal Recommendations:

- Mandate a federal legal review of all emergency or expedited permitting actions to ensure compliance with applicable Tribal treaties and reserved rights.
- Codify treaty rights as legally binding thresholds that cannot be bypassed in the name of efficiency or emergency.
- Require agencies to disclose how proposed projects may impact specific treaty-protected activities, including subsistence practices and sacred site access.
- Develop permitting protocols that explicitly reference relevant treaties and uphold Tribal access to traditional lands and waters.
- Include Tribal treaty and reserved rights impact assessments in all EA/EIS documents related to energy infrastructure.
- Train federal permitting officials and contractors on the legal history and contemporary implications of Tribal treaty rights.
- Create a standing interagency Tribal Treaty Rights Task Force to ensure uniform compliance across all departments.
- Recognize and protect off-reservation treaty rights as equal in standing to on-reservation concerns during permitting decisions.

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- Establish clear enforcement mechanisms when projects violate or threaten to impair Tribal treaty or reserved rights.
  - Honor Tribal decisions to deny consent for projects that infringe upon their legally established rights—even in declared emergencies.

## **2. Integrate Traditional Knowledge into Federal Environmental Reviews**

### **Top Tribal Recommendations:**

- Institutionalize Traditional Ecological Knowledge (TEK) as a core component of all environmental reviews under NEPA, ESA, and NHPA.
- Develop federal guidance, in collaboration with Tribes, on how to respectfully and consistently integrate TEK into permitting and review processes.
- Ensure TEK is given equal weight alongside Western scientific data in environmental assessments and decision-making.
- Create protected spaces within EA/EIS processes for Tribal Elders, cultural practitioners, and knowledge holders to contribute without risk of appropriation or misinterpretation.
- Establish confidentiality protections and intellectual property safeguards for TEK shared in federal consultation and review settings.
- Fund Tribal capacity-building programs to document, preserve, and apply TEK in environmental and energy-related planning.
- Include TEK practitioners on environmental review panels, advisory committees, and technical review boards.
- Mandate agency staff training on the value, structure, and ethical handling of Traditional Knowledge systems.
- Create interagency coordination protocols to ensure TEK inclusion is consistent across DOI, EPA, DOE, and other relevant agencies.
- Support co-stewardship models that recognize Tribal ecological governance and apply TEK in land, water, and species management.

## **3. Prevent Misuse of Categorical Exclusions in Tribal Territories**

### **Top Tribal Recommendations:**

- Prohibit the use of Categorical Exclusions for projects that may affect Tribal lands, treaty-reserved rights, or culturally significant areas.
- Require mandatory Tribal consultation before any CE is applied within or near Tribal territories or areas of cultural concern.
- Establish an interagency Tribal CE Review Board to evaluate the appropriateness of exclusions involving Indian Country.
- Include Tribal monitors or cultural resource specialists in on-site assessments before a CE is finalized.
- Mandate full disclosure of projects granted Categorical Exclusions and provide Tribes a mechanism to challenge their use.
- Develop CE guidelines in collaboration with Tribal governments, ensuring they reflect regional cultural and environmental sensitivities.
- Prevent the stacking of multiple CEs to bypass full NEPA review for large-scale or cumulative-impact projects.



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- Create a CE notification registry accessible to all federally recognized Tribes.
  - Prohibit CE use in areas where Tribes have pending land claims, sacred site designations, or known cultural resources.
  - Require post-project evaluations and Tribal feedback on CE impacts to inform future exclusions.

#### **4. Enforce Rigorous and Consistent EA/EIS Processes with Tribal Oversight**

##### **Top Tribal Recommendations:**

- Mandate early, formal Tribal involvement in the scoping, development, and review of all EAs and EISs related to energy projects.
- Standardize EA/EIS procedures across agencies to ensure Tribal input is timely, consistent, and legally required—not optional.
- Include assessments of cumulative, regional, and off-reservation impacts in all EA/EIS documentation affecting Tribal interests.
- Establish Tribal-led review panels or co-author agreements for EAs/EISs conducted in or near Indian Country.
- Require that cultural, subsistence, and treaty rights assessments be integrated as core components—not appendices—of EA/EIS reports.
- Enforce consequences when agencies proceed with incomplete or insufficient EA/EIS processes that exclude Tribal perspectives.
- Ensure Tribal access to technical assistance and funding to fully participate in complex environmental reviews.
- Develop federal guidance that clarifies Tribal consent must be considered in the final EA/EIS decision-making process.
- Include Indigenous science and Traditional Ecological Knowledge as formally recognized inputs in environmental review.
- Require agency decision-makers to document how Tribal concerns were addressed—or why they were not—in final permitting approvals.

#### **5. Strengthen NHPA and NEPA Protections for Tribal Lands and Resources**

##### **Top Tribal Recommendations:**

- Mandate early and consistent consultation with Tribal Historic Preservation Officers (THPOs) as part of all NHPA and NEPA processes.
- Prohibit the Department from delegating NHPA/NEPA responsibilities to non-Tribal contractors without Tribal oversight or consent.
- Require thorough cultural resource inventories and site visits prior to permitting, including input from Elders and cultural knowledge holders.
- Ensure NEPA reviews explicitly evaluate potential impacts on sacred sites, burial grounds, and traditional use areas.
- Create federal guidance that integrates NHPA Section 106 and NEPA reviews to avoid siloed and duplicative processes.
- Require written documentation of how Tribal concerns were addressed in NEPA findings and NHPA determinations.

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- Strengthen penalties or procedural consequences when agencies fail to fulfill their consultation obligations under NHPA/NEPA.
  - Ensure that expedited permitting under EO 14156 does not exempt projects from full NHPA/NEPA review and Tribal engagement.
  - Provide dedicated funding to support Tribal participation in NHPA and NEPA processes, including staffing and technical expertise.
  - Institutionalize interagency Tribal liaisons to coordinate NHPA and NEPA compliance and prevent cultural resource degradation.

## **6. Ensure ESA Section 7 Compliance Includes Tribal Consultation**

### **Top Tribal Recommendations:**

- Require Tribal consultation as a formal part of all ESA Section 7 consultations involving actions that affect Tribal lands or treaty-reserved areas.
- Mandate that agencies identify and notify impacted Tribes at the outset of any Section 7 review or biological assessment.
- Incorporate Traditional Ecological Knowledge into species assessments and habitat evaluations under the ESA.
- Include Tribal representatives as co-authors or reviewers of biological opinions that involve Tribal interests.
- Prohibit agencies from concluding Section 7 consultations without documented input from relevant Tribal governments.
- Ensure that ESA consultations fully assess subsistence, cultural, and ceremonial uses of listed species in Tribal communities.
- Provide funding for Tribes to develop and contribute species-specific data, habitat maps, and stewardship practices.
- Develop interagency ESA guidance in partnership with Tribes to ensure uniform consultation standards.
- Recognize Tribal wildlife programs and regulatory frameworks as equivalent to state agencies in ESA implementation.
- Include Tribal consent requirements where ESA-listed species intersect with sacred sites or are integral to ceremonial lifeways.

## **7. Respect Tribal Cultural Resource Jurisdiction Under Section 106**

### **Top Tribal Recommendations:**

- Require formal consultation with THPOs before any Section 106 determination is finalized, including in emergency permitting contexts.
- Ensure that Tribal Nations—not the Department or contractors—determine what constitutes a culturally significant site.
- Prohibit delegation of Tribal cultural resource evaluations to non-Tribal entities without Tribal approval.
- Include off-reservation cultural landscapes and ancestral sites in all Section 106 area-of-potential-effect assessments.
- Mandate that all cultural resource surveys include participation by Tribal cultural practitioners or monitors.

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- Develop joint protocols with Tribes to ensure confidentiality and respectful treatment of sensitive cultural information.
  - Integrate Section 106 compliance early in project planning, not as an afterthought or checkbox exercise.
  - Train federal staff and contractors on Tribal cultural protocols, jurisdictional authority, and the legal status of THPOs.
  - Create agency-specific Section 106 Tribal Consultation Plans with enforceable timelines and review standards.
  - Fund Tribal cultural preservation offices to engage fully in Section 106 processes and manage data sovereignty.

## **8. Engage Tribes Early in Federal Energy Planning and Permitting**

### **Top Tribal Recommendations:**

- Require agencies to notify and consult with affected Tribes prior to initiating energy project scoping, funding decisions, or land access approvals.
- Develop federal regulations that define “early Tribal engagement” as a mandatory and pre-decisional process across all permitting stages.
- Create agency-specific Tribal engagement frameworks that outline clear timelines, decision points, and communication protocols.
- Incorporate Tribal co-leadership roles in regional energy planning efforts, including transmission corridor siting and renewable energy zones.
- Ensure Tribal consent or opposition is considered binding in the earliest phases of project siting and design.
- Mandate Tribal inclusion on environmental review teams, permitting advisory groups, and interagency coordination councils.
- Fund Tribal capacity to participate meaningfully in pre-application planning, feasibility studies, and regional impact modeling.
- Create centralized early-notification systems that alert Tribes to proposed projects within their ancestral territories.
- Embed early Tribal engagement requirements in agency performance metrics and permitting timelines.
- Include early-stage Tribal data, mapping, and ecological priorities in federal land use planning tools and decision-making models.

## **9. Guarantee Full Tribal Participation in Emergency Energy Decision-Making**

### **Top Tribal Recommendations:**

- Mandate Tribal consultation and consent as non-waivable even during declared energy emergencies.
- Establish Tribal representation on all emergency energy permitting task forces, decision-making bodies, and interagency panels.
- Require agencies to assess and disclose how emergency permitting actions may impact Tribal treaty rights, cultural sites, and sacred landscapes.
- Develop interagency Tribal protocols for emergency response and permitting that are co-authored with Tribal governments.

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- Create a Tribal Emergency Energy Advisory Council to provide input and oversight throughout emergency declarations.
  - Prohibit emergency permitting on or near Tribal lands without prior engagement and written concurrence from affected Tribes.
  - Ensure that emergency-related NEPA, NHPA, and ESA reviews still include Tribal participation and do not default to internal agency judgments.
  - Codify legal language clarifying that energy emergencies do not abrogate Tribal consultation requirements.
  - Fund Tribal emergency preparedness programs that support participation in energy-related crises and disaster planning.
  - Develop Tribal-specific impact thresholds and mitigation plans for emergency energy projects to safeguard cultural and environmental integrity.

## **10. Include Elders, Youth, and Knowledge Holders in Federal Planning**

### **Top Tribal Recommendations:**

- Create formal mechanisms to include Tribal Elders, youth representatives, and traditional knowledge holders in federal advisory committees and planning bodies.
- Fund intergenerational leadership programs that bring Elders and youth together to advise on Tribal–federal priorities and initiatives.
- Provide stipends or honoraria for participation to remove financial barriers to engagement by community-based leaders and cultural experts.
- Support Tribal youth councils and Elder circles as formal consultative bodies recognized by the Department.
- Develop culturally appropriate outreach strategies that ensure Elders and youth can access and engage with federal processes.
- Create youth and Elder liaisons within the Department to bridge generational voices into policy implementation.
- Recognize traditional ecological knowledge as equal to Western science in policy areas such as climate resilience, land management, and health.
- Ensure that EO 14210 implementation honors the full circle of Tribal governance—including generational leadership and community wisdom.

## **11. Require Tribal Consent in All Emergency and Permitting Decisions**

### **Top Tribal Recommendations:**

- Codify Tribal consent as a mandatory requirement before initiating any emergency energy or infrastructure project on or affecting Tribal lands.
- Develop federal regulations that define and operationalize “free, prior, and informed consent” consistent with international Indigenous rights standards.
- Amend permitting processes under NEPA, NHPA, and ESA to require written Tribal concurrence before approval of high-impact projects.
- Include Tribal consent provisions in agency directives, emergency response protocols, and interagency agreements.
- Require Tribes to be co-signatories to Memoranda of Agreement or Understanding related to emergency energy development.

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- Establish Tribal veto authority over projects that compromise sacred sites, subsistence resources, or treaty-reserved areas.
  - Ensure that emergency declarations do not override existing Tribal consultation rights or limit the ability to withhold consent.
  - Create mechanisms for Tribes to formally object to projects, triggering pause-and-review procedures before further permitting.
  - Support legal recognition of Tribal consent in federal rulemaking tied to disaster recovery, energy resilience, and climate adaptation.
  - Fund Tribal capacity-building to support legal, technical, and environmental review necessary for informed consent decisions.

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## Appendix H – Cross-Cutting Recommendations

The bullet points listed under each of the 13 Cross-Cutting Key Themes represent the most pressing Tribal recommendations that emerged repeatedly across both oral and written comments, cutting across the boundaries of Executive Order 14210 (Government Efficiency) and Executive Order 14156 (Energy Emergency Permitting). They reflect system-wide gaps in federal Indian policy—especially in areas such as gender justice, legal support for small Tribes, urban Indian inclusion, climate resilience, Indigenous science, and intergenerational trauma—that are not adequately addressed by agency-specific or EO-specific reforms alone.

Each bullet point serves to consolidate overlapping input while retaining the integrity and intent of the original Tribal commentaries. The recommendations emphasize practical reforms that Tribes believe are necessary to ensure equity, trust responsibility compliance, and culturally grounded governance across all federal actions. They also honor the perspectives of voices often underrepresented in national policy dialogues. Collectively, these recommendations serve as a foundational roadmap for holistic Tribal policy transformation and offer the Department a transparent and inclusive basis for reform.

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### **1. Establish Legal Mechanisms to Enforce Federal Accountability**

Top Tribal Recommendations:

- Pass federal legislation that creates enforceable consultation requirements with penalties for noncompliance.
- Amend NEPA, NHPA, and other statutes to include formal Tribal remedies when agencies proceed without meaningful consultation.
- Create administrative appeals processes that allow Tribes to challenge permitting decisions or federal inaction.
- Include Tribal consultation and trust obligation metrics in agency performance evaluations and annual reporting.
- Codify the Federal Trust Responsibility into agency rulemaking with clear definitions, minimum standards, and legal consequences.
- Empower federal courts to review and reverse decisions where Tribal input was disregarded or misrepresented.
- Require agencies to publish annual compliance reports on Tribal engagement, including instances of deviation or conflict.
- Fund Tribal legal capacity to pursue administrative and judicial recourse when federal obligations are unmet.
- Incentivize agency adherence through interagency agreements that tie funding or project approval to verified Tribal consultation.

### **2. Redefine Tribal Consultation as Consent, Not Notification**

Top Tribal Recommendations:

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- Redefine “consultation” across the Department to require dialogue, mutual agreement, and documented outcomes—not unilateral notification.
  - Adopt consent-based consultation protocols modeled on international standards such as the U.N. Declaration on the Rights of Indigenous Peoples.
  - Establish federal rules that prohibit agencies from moving forward with projects unless and until Tribal concerns are resolved.
  - Require consultation to occur at the earliest possible stage of decision-making—before alternatives are finalized or funding is committed.
  - Develop binding agency policies that affirm Tribal governments’ status as co-equal sovereigns in consultation.
  - Create Tribal-vetted consultation standards and enforceable timelines across all permitting, reorganization, and emergency procedures.
  - Document and publish consultation outcomes, including Tribal objections, to promote transparency and prevent token engagement.
  - Mandate that consultation processes include elected Tribal leaders, cultural authorities, and program-level representatives.
  - Fund Tribal consultation offices and staff to support proactive engagement and policy review.
  - Evaluate agency compliance with consent-based consultation through annual audits and Tribal feedback mechanisms.

### **3. Include Urban Indian Communities in Federal Program Design**

#### **Top Tribal Recommendations:**

- Ensure all federal energy, emergency, health, and education programs explicitly include urban Indian communities in design and eligibility criteria.
- Consult with Tribes and urban Indian organizations when developing programs that affect off-reservation Tribal members.
- Include urban Indian population data in funding formulas and impact assessments for federal grants and services.
- Support Tribes in tracking and serving their citizens living in urban areas by investing in digital infrastructure and interjurisdictional data sharing.
- Develop interagency guidance that requires coordination between federal programs and Urban Indian Organizations (UIOs).
- Ensure that climate resilience and emergency energy planning account for urban Native populations and their specific vulnerabilities.
- Provide direct funding for urban Tribal citizen services, rather than relying solely on Indian Health Service or UIO pass-throughs.
- Create targeted grants and pilot programs to address housing, employment, and energy insecurity among urban Indian families.
- Establish formal Tribal-urban liaison positions within the Department to improve outreach, trust, and responsiveness.
- Recognize and affirm that off-reservation Tribal citizens are still protected under the trust responsibility, regardless of residency.

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#### **4. Fund Tribal Emergency Preparedness and Climate Resilience Efforts**

##### **Top Tribal Recommendations:**

- Establish a permanent federal funding stream for Tribal emergency preparedness, response, and recovery programs.
- Ensure that Tribes have direct access to FEMA, Department of Energy, and Department of the Interior emergency funding without going through states.
- Support the development of Tribal-specific climate adaptation plans that reflect cultural, environmental, and jurisdictional priorities.
- Fund Tribal emergency operations centers (EOCs), hazard mitigation planning, and response equipment.
- Invest in Tribal capacity-building for emergency management, including training, staffing, and cross-jurisdictional coordination.
- Create flexible funding mechanisms that support both rapid response and long-term climate resilience.
- Recognize Tribal governments as equal partners in regional climate and disaster planning efforts.
- Include traditional knowledge and community-based assessments in federal climate impact models and emergency risk mapping.
- Provide dedicated grants for Tribes to relocate vulnerable infrastructure and safeguard culturally significant areas.
- Support inter-Tribal and interagency emergency planning collaborations, especially for rural and geographically isolated communities.

#### **5. Protect and Promote Tribal Languages in Federal Communications**

##### **Top Tribal Recommendations:**

- Require the Department to provide essential communications—such as emergency alerts, health notices, and program guidelines—in locally relevant Tribal languages.
- Develop agency-wide language access plans that include Tribal language translation and interpretation services.
- Fund Tribal language programs, curriculum development, and interpreter training through sustained and flexible grants.
- Recognize Tribal languages as official languages of government-to-government consultation where requested by the Tribe.
- Partner with Tribes to co-create educational and public outreach materials that reflect linguistic and cultural accuracy.
- Support Indigenous language use in public signage, federal buildings, and collaborative community initiatives.
- Ensure that digital platforms used by the Department allow for multilingual engagement, including Indigenous languages.
- Include Tribal language revitalization in federal education and workforce development strategies.
- Respect the intellectual property and cultural ownership of Indigenous language materials when collaborating with Tribes.



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- Make Tribal language support an explicit goal in federal language equity and accessibility initiatives.

## **6. Elevate Indigenous Science in Environmental and Energy Policy**

### **Top Tribal Recommendations:**

- Codify the inclusion of Indigenous science in environmental review processes (e.g., NEPA, NHPA, ESA) as required—not optional.
- Fund Tribal research initiatives and knowledge-holder convenings to document and apply Indigenous science in federal policy.
- Establish interagency guidance for co-producing knowledge with Tribes in energy planning and land management.
- Respect and protect the intellectual sovereignty of Indigenous knowledge systems, including protocols for cultural consent and attribution.
- Include Tribal scientists, traditional knowledge holders, and cultural experts in federal scientific advisory boards and peer review panels.
- Develop Tribal-led training modules for federal staff on understanding and integrating Indigenous science frameworks.
- Support long-term partnerships between the Department and Tribal institutions to collaboratively generate climate data and energy models.
- Ensure that funding opportunities for environmental research explicitly invite and prioritize Indigenous knowledge systems.
- Avoid extracting or misappropriating traditional knowledge without Tribal governance, consent, and benefit-sharing agreements.
- Publicly recognize the validity and value of Indigenous science through federal publications, regulatory language, and program metrics.

## **7. Integrate Tribal Economies into National Energy Strategies**

### **Top Tribal Recommendations:**

- Establish a national Tribal Energy Economic Development Framework in partnership with Tribal governments and energy producers.
- Provide direct funding and technical assistance to Tribes for renewable energy generation, transmission, and storage projects.
- Support Tribal access to capital, credit, and loan guarantees for energy infrastructure and workforce development.
- Ensure Tribal inclusion in federal energy incentive programs and carbon reduction initiatives.
- Develop interagency plans that prioritize Tribal economic opportunities in clean energy deployment and grid modernization.
- Streamline permitting for Tribal energy projects while respecting cultural, environmental, and jurisdictional safeguards.
- Create revenue-sharing and co-management agreements for federal projects operating on or near Tribal lands.
- Fund Tribal-led energy planning, business development, and training programs that promote long-term economic sovereignty.

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- Ensure Tribal representation in national energy councils, policy forums, and supply chain strategy development.
  - Treat Tribal Nations as energy partners—not passive consultees—across all levels of national energy decision-making.

## **8. Coordinate with Tribal Utility Authorities in Energy Planning**

### **Top Tribal Recommendations:**

- Formally recognize Tribal utility authorities as eligible entities for all federal energy planning, funding, and consultation activities.
- Include TUAs in national and regional energy grid modernization efforts and interconnection planning.
- Provide direct funding, technical assistance, and capacity-building to support TUA development and expansion.
- Develop interagency policies that prioritize early engagement with TUAs during permitting, infrastructure siting, and transmission planning.
- Ensure that TUAs are represented on federal energy advisory committees and in stakeholder engagement processes.
- Remove regulatory and jurisdictional barriers that limit the ability of TUAs to access wholesale power, financing, and interconnection.
- Create data-sharing partnerships between TUAs and the Department to improve planning, forecasting, and emergency response.
- Support Tribal-led feasibility studies and implementation plans for clean energy generation and distribution.
- Align federal broadband and electrification programs to support Tribal utilities in expanding services to underserved areas.

## **9. Address Intergenerational Trauma in Tribal Workforce and Education**

### **Top Tribal Recommendations:**

- Mandate trauma-informed training for all federal employees working in Indian Affairs, education, health, and workforce programs.
- Fund Tribal-led mental health and wellness initiatives that address historical and intergenerational trauma.
- Support culturally based education models that incorporate traditional healing, language, and ceremony.
- Integrate trauma-informed care and pedagogy into BIE schools and Tribal colleges.
- Expand wraparound services for Native youth and families, including counseling, housing, and food security.
- Recognize the long-term effects of boarding school trauma in federal program eligibility and design.
- Develop interagency frameworks for addressing historical trauma as a structural barrier to workforce participation.
- Provide long-term, flexible funding for Tribal healing centers and community resilience programs.

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- Promote peer mentorship, elder-youth engagement, and intergenerational knowledge sharing in federally funded initiatives.
  - Ensure Tribal sovereignty in defining, measuring, and addressing trauma-related challenges and solutions.

## **10. Expand Legal and Technical Support for Small and Underserved Tribes**

### **Top Tribal Recommendations:**

- Create a dedicated federal initiative to provide on-demand legal and technical assistance for small and rural Tribal Nations.
- Fund regional Tribal support centers to offer permitting, grant, environmental, and data services tailored to underserved communities.
- Ensure all federal funding opportunities include scaled options and flexibility for low-capacity Tribes.
- Simplify application, reporting, and compliance processes for Tribes with limited administrative resources.
- Prioritize funding equity formulas that account for geographic isolation, economic hardship, and historical underinvestment.
- Expand access to virtual legal clinics, trainings, and peer mentoring networks for Tribal staff and leadership.
- Incorporate the voices of small and underserved Tribes in national policy design and Tribal advisory committees.
- Make Tribal size and capacity key criteria for receiving additional federal support—not barriers to participation.
- Respect Tribal diversity by avoiding one-size-fits-all solutions and investing in community-specific capacity building.

## **11. Address Federal Neglect of Native Women, Families, and Safety**

### **Top Tribal Recommendations:**

- Expand long-term federal funding for Tribal domestic violence shelters, legal advocacy, and victim services.
- Strengthen the implementation of the Violence Against Women Act (VAWA) in Tribal jurisdictions, including full criminal jurisdiction restoration.
- Support MMIP prevention programs, databases, and interagency task forces co-led by Tribes.
- Fund culturally appropriate child welfare services and promote Tribal control under the Indian Child Welfare Act (ICWA).
- Create trauma-informed family support programs that address housing, addiction recovery, and parenting.
- Ensure full access to reproductive, maternal, and mental health services for Native women through IHS and Tribal facilities.
- Support economic stabilization initiatives for Native single-parent households and kinship caregivers.
- Develop public health and safety campaigns in partnership with Native women's organizations.

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- Recognize Native family protection as an expression of Tribal sovereignty and self-determination.

## **12. Support Cross-Jurisdictional Tribal Law Enforcement Solutions**

### **Top Tribal Recommendations:**

- Fully fund Tribal police departments, court systems, and detention facilities to ensure baseline service capacity.
- Expand cross-deputization agreements and intergovernmental law enforcement compacts that respect Tribal sovereignty.
- Amend federal law to clarify and strengthen Tribal authority in overlapping jurisdictions, especially on trust lands and in PL 280 states.
- Support Tribal-led task forces on drug trafficking, human trafficking, and resource protection.
- Provide specialized training for Tribal officers in federal legal procedures, digital evidence, and cross-jurisdictional operations.
- Fund technology upgrades (e.g., data sharing systems, communications infrastructure) for interagency coordination.
- Increase Tribal access to federal criminal databases (e.g., NCIC, NamUs) with full data sovereignty safeguards.
- Establish dedicated federal liaisons to support Tribal law enforcement and justice systems.
- Include Tribal law enforcement leaders in regional and national emergency planning and public safety forums.
- Recognize and uphold Tribal Nations' inherent right to exercise full civil and criminal jurisdiction within their territories.

## **13. Ensure Tribal Access to Federal Energy Data and Modeling Tools**

### **Top Tribal Recommendations:**

- Provide Tribes with unrestricted access to federal energy data systems, climate models, and technical forecasting tools.
- Establish data-sharing agreements that honor Tribal data sovereignty, consent protocols, and intellectual property rights.
- Train Tribal staff on how to use and interpret federal energy models, geospatial platforms, and infrastructure datasets.
- Develop Tribal-specific modules or tools within existing federal platforms (e.g., DOE's NREL tools, EPA databases).
- Fund Tribal research initiatives that analyze and validate data relevant to Tribal lands, economies, and energy potential.
- Ensure that Tribal data is represented and integrated into national energy and climate reports.
- Create interagency partnerships to co-produce datasets and models that reflect Indigenous perspectives and priorities.
- Provide grant funding for Tribal energy offices to develop local databases and GIS tools.

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- Include Tribal input in the design and evaluation of federal energy modeling methodologies.
  - Guarantee long-term technical assistance and peer learning opportunities to build Tribal data science capacity.

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## Appendix I – Legal and Policy Context

This appendix provides an overview of the core legal principles, federal statutes, and executive authorities frequently cited by Tribal Nations in their comments on Executive Orders **14210** (Workforce Efficiency and Government Reorganization) and **14156** (Emergency Energy Permitting). These frameworks guide the United States’ obligations to Tribal Nations and serve as the legal basis for Tribal concerns, rights assertions, and policy recommendations.

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### I. Foundational Legal Principles

#### Trust Responsibility

A foundational principle of federal Indian law obligating the United States to protect Tribal lands, assets, resources, and treaty rights. This duty is both legal and moral, and includes the provision of education, health care, and economic support. Tribal Nations emphasized that the trust responsibility is non-discretionary and must guide all agency actions under EO 14210 and EO 14156.

#### Tribal Sovereignty

The inherent authority of Tribal Nations to govern their lands, people, and affairs. Tribal sovereignty predates the U.S. Constitution and is recognized in federal law. Tribal leaders asserted that federal policies must affirm—not undermine—Tribal self-governance and decision-making authority.

#### Government-to-Government Relationship

The formal relationship between the federal government and Tribal Nations, grounded in treaties, statutes, and executive orders. This relationship obligates federal agencies to engage with Tribes as sovereign governments, not as stakeholders or interest groups.

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### II. Federal Statutes Frequently Cited by Tribal Commenters

#### Indian Self-Determination and Education Assistance Act (ISDEAA, 1975)

Enables Tribes to contract and compact federal programs, giving them control over the delivery of services in areas like education, health, and natural resources. Concerns were raised that EO 14210’s workforce changes might erode ISDEAA’s intent and implementation.

#### National Environmental Policy Act (NEPA, 1970)

Requires federal agencies to assess the environmental impacts of their actions and consider alternatives. Tribal Nations raised concerns about NEPA compliance under EO 14156 and emphasized the need for early and meaningful consultation.

#### National Historic Preservation Act (NHPA, 1966)

Establishes the Section 106 process, requiring federal agencies to consider the impacts of their undertakings on historic and cultural resources. Tribes cited NHPA in calls to protect sacred sites and uphold cultural preservation responsibilities.

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**Endangered Species Act (ESA, 1973)**

Protects species at risk of extinction and their habitats. Under Section 7, federal agencies must consult with appropriate entities before actions that may affect listed species. Tribes noted frequent ESA consultation failures on energy permitting projects.

**Indian Education Act (1972) & Title VI of ESEA (Elementary and Secondary Education Act)**

Support culturally appropriate education and funding for Native students. Tribes highlighted chronic underfunding and policy neglect of Bureau-funded and Tribal schools.

**Violence Against Women Act (VAWA, 1994, reauthorized 2022)**

Supports Tribal jurisdiction over certain crimes and services for Native women and families. Tribes raised concerns that federal inefficiency and program gaps weaken VAWA's implementation in Indian Country.

**Indian Child Welfare Act (ICWA, 1978)**

Protects the rights of Tribal Nations and families in child custody proceedings. While not the focus of EO 14210 or 14156, ICWA was referenced in connection with Tiwahe programs and family-centered services.

**Alaska Native Claims Settlement Act (ANCSA, 1971)**

Restructured land ownership and governance in Alaska, creating regional and village corporations. Alaska Native organizations emphasized how ANCSA continues to affect access to trust services, permitting processes, and land use decisions.

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**III. Executive Orders and Federal Directives Referenced****EO 13175: Consultation and Coordination with Indian Tribal Governments (2000)**

Establishes requirements for federal agencies to consult with Tribal governments when policies have Tribal implications. This EO was cited as the baseline standard, though many Tribes argued it falls short of enforcing true consent.

**EO 14008: Tackling the Climate Crisis at Home and Abroad (2021)**

Highlights the federal government's responsibility to work with Tribal Nations in climate response and environmental justice. Tribes linked EO 14008 to energy permitting impacts under EO 14156.

**EO 14156: Modernizing Federal Permitting to Support Clean Energy**

Intended to streamline energy permitting; Tribes raised concerns about its implementation bypassing consultation, weakening environmental protections, and ignoring cultural sites.

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**EO 14210: Reforming Federal Workforce Efficiency and Service Delivery**

Aims to improve performance, equity, and cost-effectiveness across federal agencies. Tribal Nations expressed concerns about the implications for BIA/BIE staff, education systems, and fulfillment of trust responsibilities.

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**IV. Treaties and Historic Agreements**

Tribal Nations referenced specific treaties as the source of their legal rights to land, education, health care, and natural resource protection. These include but are not limited to:

- 1851 and 1868 Treaties (e.g., Fort Laramie Treaty)
- Treaty of Dancing Rabbit Creek (1830)
- Treaties with California Tribes (unratified)
- Treaty-based fishing and subsistence rights in the Pacific Northwest and Alaska
- UN Declaration on the Rights of Indigenous Peoples (2007)

Tribes repeatedly emphasized that treaties are binding legal agreements and must not be subordinated to administrative reforms or emergency permitting goals.

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