Tribal Info Session

Executive Order 14112: Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination

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Rose Petoskey
Rose.N.Petoskey@who.eop.gov
Senior Advisor and Director of Tribal Affairs
White House Office of Intergovernmental Affairs

Elizabeth H. Reese
elizabeth.a.reese@who.eop.gov
Senior Policy Advisor for Native Affairs
White House Domestic Policy Council

Elizabeth Carr
elizabeth.e.molle-carr@omb.eop.gov
Tribal Advisor to the Director
White House Office of Management and Budget

A. Morgan Rodman
anthony.rodman@bia.gov
Executive Director
White House Council on Native American Affairs
Walk through Executive Order Section by Section

Sec. 1. Policy.

Sec. 2. Definitions.

Sec. 3. Agency Coordination on Better Supporting Tribal Nations and Identifying Opportunities for Reform.
AGENDA

Walk through Executive Order Section by Section

Sec. 1. Policy.

Sec. 2. Definitions.

Sec. 3. Agency Coordination on Better Supporting Tribal Nations and Identifying Opportunities for Reform.

Sec. 4. Embracing Our Trust Responsibilities by Assessing Unmet Federal Obligations to Support Tribal Nations.

Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations.

Sec. 6. General Provisions.

Implementation Timeline

Time for Q & A
Sec. 1. Policy.
The Next Era of Tribal Self-Determination

“It’s all a part of my vision for a new era of respect. Respect for you as leaders, respect for Tribal sovereignty, respect for the Nations’ fundamental right to build a future and own — on your own terms, not anyone else’s terms, not anyone else’s terms.”

- President Joseph R. Biden
Sec. 1. Policy.
The Next Era of Tribal Self-Determination

History and Purpose, the “Why”:

• Federal policies of past eras were attacks on basic rights to self-governance & caused lasting damage to Tribal communities, economies, and governments.
• Since the 1970s, the federal government reversed course and championed Tribal self-determination.
• Wisdom of self-determination is:
  • **Native people thrive** when **Tribes thrive**.
  • **Tribes thrive** when they have **autonomy**.
  • **Federal financial support** is vital to re-building Tribal institutions.
• However, Tribal Nations still face many barriers to accessing and utilizing federal funds effectively.
  • Lack of resources.
  • Overly burdensome or unnecessary limitations on federal programs.
What the EO Does, the “How”:

- Requires federal agencies to reform federal funding and support programs to be more:
  - Accessible
  - Flexible
  - Equitable.

- Creates a one-stop-shop for federal funding available to Tribes.
- Creates a process for the federal government to assess unmet federal funding needs consistent with our trust responsibilities to Tribal Nations
For purposes of this order:

(b) The term “Federal funding and support programs for Tribal Nations” includes funding, programs, technical assistance, loans, grants, or other financial support or direct services that the Federal Government provides to Tribal Nations or Indians because of their status as Indians. It also includes actions or programs that do not exclusively serve Tribes, but for which Tribal Nations are eligible along with non-Tribal entities. It does not include programs for which both Indians and non-Indians are eligible.

Example: Tribal Gov. Specific Programs (ISDEAA) & Indian Specific Programs/Services (IHS)

Example: Competitive Grants, Funding where Tribes are eligible to apply along with States or non-profits

Example: Federal student loans, Medicaid/medicare, other federal programs/services that all Americans are eligible for.
Sec. 3. Agency Coordination on Better Supporting Tribal Nations and Identifying Opportunities for Reform

White House Council on Native Affairs (WHCNA)

- Climate Change, Homelands, and Treaties
- Education
- Health
- Public Safety and Justice
- Economic Development, Energy, and Infrastructure
- International Indigenous Issues
Sec. 3. Agency Coordination on Better Supporting Tribal Nations and Identifying Opportunities for Reform

White House Council on Native Affairs (WHCNAAN)
Sec. 3. Agency Coordination on Better Supporting Tribal Nations and Identifying Opportunities for Reform

White House Council on Native Affairs (WHCNAAn)

E.O. 14112 Implementation

Co-Chaired by OMB and DPC

Budget Task Force

Chaired by OMB

Federal Funding Reform Task Force

Chaired by DPC
Sec. 4. Embracing Our Trust Responsibilities by Assessing Unmet Federal Obligations to Support Tribal Nation

White House Council on Native Affairs (WHCNA)

E.O. 14112 Implementation
  Co-Chaired by OMB and DPC

Budget Task Force
  Chaired by OMB

Federal Funding Reform Task Force
  Chaired by DPC
Sec. 4. Embracing Our Trust Responsibilities by Assessing Unmet Federal Obligations to Support Tribal Nation

E.O. 14112 Implementation

Co-Chaired by OMB and DPC

Budget Task Force

Chaired by OMB

- Assess funding shortfalls
- Develop guidance on agency assessments
- Compile agency reports
- Track progress annually

Federal Funding Reform Task Force

Chaired by DPC

White House Council on Native Affairs (WHCNA)
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

White House Council on Native Affairs (WHCNAF)

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Federal Funding Reform Task Force

Chaired by DPC
- Coordinate agency implementation of reforms listed in Sec. 5

Federal Register Vol. 80, No. 87, Tuesday, May 5, 2015, P. 26532-26534
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations. Agency heads shall take the following actions to increase the accessibility, equity, flexibility, and utility of Federal funding and support programs for Tribal Nations, while increasing the transparency and efficiency of Federal funding processes to better live up to the Federal Government’s trust responsibilities and support Tribal self-determination:

(a) Agencies shall design, revise, provide waivers for, and otherwise administer Federal funding and support programs for Tribal Nations to achieve the following objectives, to the maximum extent practicable and consistent with applicable law:

(i) promote, compacting contracting, co-management, co-stewardship, and other agreements with Tribal Nations that allow them to partner with the Federal Government to administer Federal programs and support Tribal Nations;

(ii) identify funding programs that may allow for Tribal set-asides or other similar resource or benefits prioritization measures and, where appropriate, establish Tribal set-asides or prioritization measures that meet the needs of Tribal Nations;

(iii) design application and reporting criteria and processes in ways that reduce administrative burdens, including by consolidating and streamlining such criteria and processes within individual agencies;

(iv) take into account the unique needs, limited capacity, or significant barriers faced by Tribal Nations by providing reasonable and appropriate exceptions or accommodations where necessary;

(v) increase the flexibility of Federal funding for Tribal Nations by removing, where feasible, unnecessary limitations on Tribal spending, including by maximizing the use of Federal funding that can be used for training, administrative costs, and additional personnel;

(vi) improve accessibility by identifying matching or cost-sharing requirements that may unduly reduce the ability of Tribal Nations to access resources and removing those burdens where appropriate.

(vii) respect Tribal data sovereignty and recognize the importance of Indigenous Knowledge, by when appropriate and permitted by statute, allowing Tribal Nations to use self-certified data and avoiding the establishment of processes that require Tribal Nations to apply to, or obtain permission from, State or local governments to access Federal funding or to be part of a Federal program;

(viii) provide Tribal Nations with the flexibility to apply for Federal funding and support programs through inter-Tribal consortia or other entities while requiring non-Tribal entities that apply for federal funding on behalf of, or to directly benefit, Tribal Nations to include proof of Tribal consent;

and

(ix) provide ongoing outreach and technical assistance to Tribal Nations throughout the application and implementation process while continually improving agencies’ understanding of Tribal Nations’ unique needs through Tribal consultations and meaningful partnerships.

In coordination with OMB and consistent with applicable law, should assess Tribal Nations’ access to competitive grant funding by tracking applications from Tribal Nations to competitive grant programs and their funding award success rate.

(c) Agencies should proactively and systematically identify and address, where possible, any additional undue burdens not discussed in this order that Tribal Nations face in accessing or effectively using Federal funding and support programs for Tribal Nations and their root causes, including those causes that are regulatory, technological, or process-based.

(d) Agencies’ implementation efforts shall appropriately maintain or enhance protections afforded under existing Federal law and policy, including Tribal rights and trust obligations. Tribal Nations may be required to assume increasing responsibility for federal funding and support programs through the implementation of this order.

The Director of OMB shall provide a summary of agencies’ progress and any new recommendations to Tribal leaders at the annual White House Tribal Nations Summit.
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

White House Council on Native Affairs (WHCNA)

E.O. 14112 Implementation

Co-Chaired by OMB and DPC

Budget Task Force

Co-Chaired by OMB
- Assess funding shortfalls
- Develop guidance on agency assessments
- Compile agency reports
- Track progress annually

Federal Funding Reform Task Force

Chaired by DPC
- Coordinate agency implementation of reforms listed in Sec. 5
- Identify other reforms
- Share best practices
- Help agencies track success rates & populate Tribal Clearinghouse
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

White House Council on Native Affairs (WHCNAA)

**E.O. 14112 Implementation**

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Access to Capital Clearinghouse

A multi-agency strategy to improve awareness of, access to, and utilization of resources for Tribal governments, Tribal enterprises, Native entrepreneurs, and Development Financial Institutions (CDFIs).

Shortcuts

- Modernize Community Infrastructure
- Maintain Sustainable Environment
- Safeguard Natural Resources
- Improve ESG Portfolio
- Housing Benefits

Find funding opportunities
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

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Find funding opportunities

Housing Improvement Program
Bureau of Indian Affairs
Department of the Interior
Who is eligible
Individuals

The Housing Improvement Program (HIP) is a home repair, renovation, replacement and new housing grant program administered by the Bureau of Indian Affairs (BIA) and federally recognized Indian Tribes for American Indians and Alaska Native (AI/AN) individuals and families who have no immediate resource for standard housing. While not an entitlement program, HIP was established under The Snyder Act of 1921 as one of several BIA programs authorized by Congress for the benefit of Indian people.

Social and Economic Development Strategies
Administration for Children and Families
Department of Health and Human Services
Who is eligible
Non-Tribal Government Organizations, Tribal Governments
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

White House Council on Native Affairs (WHCNAA)

E.O. 14112 Implementation
- Co-Chaired by OMB and DPC
  - Write Final Recommendations Report

Budget Task Force
- Chaired by OMB
  - Assess funding shortfalls
  - Develop guidance on agency assessments
  - Compile agency reports
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Federal Funding Reform Task Force
- Chaired by DPC
  - Coordinate agency implementation of reforms listed in Sec. 5
  - Identify other reforms
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OMB and DPC shall develop...a set of recommendations for the Federal Government to take steps toward better living up to its trust responsibilities.
Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

**White House Council on Native Affairs (WHCNAA)**

**E.O. 14112 Implementation**

*Co-Chaired by OMB and DPC*
- Write Final Recommendations Report
- Coordinate Tribal Consultation

**Budget Task Force**

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**HOW CAN TRIBES PARTICIPATE IN THIS PROCESS?**

Both Task Forces & Agencies will coordinate Tribal Consultations through WHCNAA!

Let us know what programs are your priorities!
Sec. 5. Agency Actions to Increase the Accessibility, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

White House Council on Native Affairs (WHCNAA)

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Sec. 5. Agency Actions to Increase the Accessibility, Equity, Flexibility, and Utility of Federal Funding and Support Programs for Tribal Nations

What the E.O. DOES NOT Do:

What this Reform Portion of E.O. Does:
• Requires Agencies to, within discretion and as practicable, implement reforms consistent with policy priorities of the E.O.

How can tribes utilize the E.O.?
Sec. 6. General Provisions

HOW CAN TRIBES UTILIZE THE E.O.?

What this Reform Portion of E.O. Does:
• Requires Agencies to, within discretion and as practicable, implement reforms consistent with policy priorities of the E.O.

What the E.O. DOES NOT Do:
• Change Statutory Requirements
• Create New Obligations
• Change programs overnight
  • This will take time
  • Reform will be harder with farther along programs
WHAT CAN TRIBES EXPECT FROM BUDGET ASSESSMENT?

What the Budget Portion of E.O. Does:
• Requires an assessment and recommendations on the Budget needs in Indian Country

What the E.O. DOES NOT Do:
• Require Congress to pass legislation consistent with the recommendations
• Require the President’s budget to strictly follow these recommendations
Executive Order Signed
Dec. 6, 2023

Tribal Engagement Begins
Jan. 2024

Agency Implementation Begins
Jan. 2024

Budget Task Force Guidance Due
Aug. 2024

Initial information and engagement session.
Consistent updates through existing engagement opportunities.
Ongoing Tribal Consultation.

Launch new:
1. WHCNAA Committee on Executive Order Implementation
2. Budget Task Force
3. Funding Reform Task Force

Budget Task Force releases guidance to agencies on how to assess unmet needs.
Implementation Timeline

Budget Task Force Guidance Due Aug. 2024

Agency Reports Due to Budget Task Force May 2025

OMB and DPC Submit Recs. to the President

Tracking Progress

Implementation Evaluation

Budget Task Force releases guidance to agencies on how to assess unmet needs.

Agencies—utilizing the guidance or other methods—submit unmet budget needs assessments to Budget Task Force

OMB and DPC, via Implementation Committee, compile agency budget assessments and best practices and other reforms identified by Funding Reform Task Force into a joint report to POTUS

Annual agency reports to WHCNA, DPC, and OMB.

White House Tribal Nations Summit will serve as venue to report out progress.

Consult on process and where policy can improve moving forward.

Continued improvement based on consultation feedback.
Implementation Timeline

- **Executive Order Signed**
  - Date: Dec. 6, 2023

- **We are here!**

- **Tribal Engagement Begins**
  - Date: Jan. 2024

- **Agency Implementation Begins**
  - Date: Jan. 2024

- **Budget Task Force Guidance Due**
  - Date: Aug. 2024

- **Agency Reports Due to Budget Task Force**
  - Date: May 2025

- **OMB and DPC Submit Reqs. to the President**

- **Tracking Progress**

- **Implementation Evaluation**

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**Initial information and engagement session.**

- Consistent updates through existing engagement opportunities.
- Ongoing Tribal Consultation.

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QUESTIONS?

To ask a question or provide comments, please use the raise your hand feature or dial *6 on your phone.

We will call on Tribal leaders first, followed by other tribal designees and interested parties.

WH.GOV