

DECEMBER 06, 2023

## FACT SHEET: President Biden Signs Historic Executive Order to Usher in the Next Era of Tribal Self-Determination

### *New Executive Order Will Underscore Respect for Tribal Nations' Sovereignty and Autonomy*

Today, as part of the White House Tribal Nations Summit, President Biden will sign a historic Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination. This Executive Order demonstrates the Biden-Harris Administration's respect for Tribal sovereignty, and commitment to ushering in the next era of Tribal self-determination by ensuring that Tribal Nations have greater autonomy over how they invest federal funding.

Historically, federal policies of past eras were attacks on Native people's basic rights to self-governance and caused lasting damage to Tribal communities, economies, and governments. Beginning in the 1970s, the federal government reversed course and championed Tribal self-determination through policies and programs that have helped rebuild Tribal governments and economies, while supporting Tribal Nations in taking increased ownership over the services their citizens need and deserve.

Today, Tribal Nations still face many barriers to fully exercise their inherent sovereignty, especially in federal funding programs. Far too many of the federal funding and support programs that Tribes rely on are difficult to access, have overly burdensome federal reporting requirements, have unnecessary limitations, or impose requirements on Tribes that drain Tribal resources and undermine their ability to make their own decisions about where and how to meet the needs of their communities.

To address these challenges, today President Biden will sign an Executive Order to reform how the federal government funds and supports Tribal Nations. This Executive Order demonstrates the Biden-Harris Administration's commitment to ushering in the next era of federal policies that support Tribal self-determination and defines this next era as one that should be grounded in even greater respect for Tribal sovereignty and the autonomy of Tribal Nations, because the last 50 years has proven that a strong Tribal Nation is the most important factor in ensuring the economic, political, and cultural well-being of Native people. [The Executive Order](#)

affirms that Tribal self-governance is about the fundamental right of a people to determine their own destiny and to prosper and flourish on their own terms. It also affirms that Tribal governments must be treated as permanent, equal, and vital parts of America's overlapping system of government. To fulfill this promise, the Executive Order:

- **Requires federal agencies to take action to ensure federal funding for Tribes is accessible, flexible, and equitable.** The Executive Order directs all federal agencies to better live up to the federal government's trust responsibilities and support Tribal self-determination by reforming federal funding programs that support Tribes. It moves federal funding programs closer to the model of the Indian Self-Determination and Educational Assistance Act, which has allowed Tribal Nations to build and run their own hospitals, schools, and police forces to better meet the needs of their communities using the same federal dollars. It also directs federal agencies, in coordination with the White House Council on Native American Affairs, to redesign or administer programs in a manner that reflects trust in Tribal priorities and deference to Tribal decision-making, recognizing that Tribal governments bring invaluable expertise in how to effectively meet the needs of their citizens and steward their ancestral homelands. Agencies are directed to pursue compacting, contracting, co-management, co-stewardship, and other agreements with Tribal Nations that allow them to better partner with the federal government to administer federal programs and services. Agencies are also directed to identify programs where Tribal set-asides can be established, streamlined applications for funding to reduce the burden on Tribal governments can be identified, unnecessary restrictions on how Tribes can spend federal funds can be removed, and cost-sharing requirements for Tribal governments can be mitigated. As a result of this Executive Order, Tribes will spend less of their resources cutting through bureaucratic red-tape to apply or comply with federal administrative requirements and use federal dollars more effectively. No longer will Tribes be faced with seemingly unnecessary and arbitrary limitations when they are accessing critical funding for public safety, infrastructure, education, energy, and much more.
- **Creates a one-stop-shop for federal funding available to Tribes.** The [Tribal Access to Capital Clearinghouse](#) will be launched at the Tribal Nations Summit to provide a one-stop-shop for Tribes and Native businesses to find federal funding.
- **Better embraces our trust responsibilities by assessing unmet federal obligations to support Tribal Nations.** The Executive Order directs the White House Council on Native American Affairs, the Office and Management and Budget, and the White House Domestic Policy Council to work across the Federal Government to measure the chronic funding shortfalls of existing federal funding for Tribes and develop

recommendations for what additional funding and programming is necessary. On an annual basis moving forward, federal agencies will be required to report on their progress implementing those recommendations.

The Executive Order signed today is the third Order President Biden has signed to strengthen our nation-to-nation relationship, strengthen Tribal consultation, and deepen the federal government's respect for Tribal sovereignty. This Executive Order also builds on the historic investments President Biden has made in Indian Country, including:

- \$32 billion in the American Rescue Plan, the largest direct federal investment in Tribal Nations in history.
- \$13 billion in the Bipartisan Infrastructure Law to build high-speed internet, roads, bridges, public transit, clean water, and improve sanitation in Tribal communities.
- \$700 million in the Inflation Reduction Act, to invest in Native communities for climate resilience and adaptation programs, drought mitigation, home electrification, and clean energy development.
- Sending billions of federal contract dollars—and significant percentages of their overall procurement dollars—to Native-owned or controlled businesses through the Buy Indian Act, a law that has been re-invigorated under the Biden-Harris Administration. In FY 2023, the Indian Health Service (IHS) awarded \$444 million (30.6%), the Department of Health and Human Services awarded \$1.55 billion (3.8%), the Department of the Interior awarded over \$1.4 billion (16.9%), and Interior's Indian Affairs Bureaus awarded \$626 million (74.6%) of eligible contract dollars to Native-owned and controlled businesses.
- Securing the first ever advance appropriations for IHS, which was the only major federal healthcare system that was funded through discretionary appropriations and therefore more likely to be cut every year. These advance appropriations bring much needed stability to IHS and ensure that IHS hospitals can stay open to provide lifesaving care in the event of a lapse in government appropriations.

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