

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



Across Indian Country, Tribal Nations are forging impressive records of economic progress. From operating nation-owned enterprises to cultivating tribal citizen-owned businesses to preparing their people to access new job opportunities through workforce education and training, Tribal Nations are methodically building sustainable economies to support thriving Native communities. Driving this remarkable yet uneven renaissance is tribal self-determination, specifically the responsibility each Tribal Nation exercises to create a robust economy based on its cultural values, particular circumstances, and long-range priorities. To support Tribal Nations, the federal government must fulfill its binding trust and treaty obligations to take key actions to foster – and remove the barriers impeding – their economy-building efforts.



PRIORITIES – ADMINISTRATION

Below are top-line policy steps the Administration and federal agencies should take to enhance Tribal Nations' ability to grow vibrant economies based on their distinct needs and goals. These consensus priorities are endorsed by the 12 contributing Native organizations below. For more, visit: <https://www.ncaied.org/indian-country-policy-priorities/>.

AGENCY KEY: BIA (Bureau of Indian Affairs), CDFI Fund (Community Development Financial Institutions Fund), DOD (Department of Defense), DOE (Department of Energy), DOI (Department of the Interior), DOL (Department of Labor), DOT (Department of Transportation), FCC (Federal Communications Commission), FDIC (Federal Deposit Insurance Corporation), FHLB (Federal Home Loan Banks), FRB (Federal Reserve Bank), GSA (General Services Administration), HUD (Department of Housing and Urban Development), IRS (Internal Revenue Service), NASA (National Aeronautics and Space Administration), SBA (Small Business Administration), USDA (U.S. Department of Agriculture), USTR (Office of the U.S. Trade Representative), WH (White House)

ACCESS TO CAPITAL AND CREDIT

- ❖ **Hold Banks Accountable to New Community Reinvestment Act (CRA) Regulations to [Increase Access to Capital and Credit on Tribal Lands](#):** Institute targeted cross-agency comprehensive plan to incentivize banks to embrace the CRA's Indian Country-focused provisions; plan should feature agency cooperative agreements with national Native organization partners (*FDIC, FRB, Treasury*).
- ❖ **Launch a Stand-Alone Technical Assistance Initiative to Educate Native CDFIs about the New CDFI Certification Application and Related Regulations:** so certified and emerging Native CDFIs understand and satisfy the new requirements for achieving/maintaining CDFI certification, which will ensure the number of certified Native CDFIs (currently 64) grows (*Treasury/CDFI Fund*).
- ❖ **Forge Cooperative Agreement between Native CDFIs and HUD, Fannie Mae, and Freddie Mac:** that creates targeted secondary markets for the purpose of recapitalizing those CDFIs to expand their power to lend to Native communities (*HUD*).
- ❖ **Create a Targeted [Federal Home Loan Bank Program Advancing Indian Country Economic Prosperity](#):** similar to the successful [Affordable Housing Program](#) FHLB operates, with seats for Native CDFI leaders on the new program's advisory board (*FHLB*).
- ❖ **Confer [Automatic Minority Lending Institution Designations on Certified Native CDFIs](#):** which will increase federal funding to those under-resourced lenders and reduce their administrative burdens, among other benefits (*Treasury/CDFI Fund*).

ENHANCING MARKETPLACE COMPETITIVENESS

- ❖ **Further Strengthen [Implementation of Key \[Indian Community Economic Enhancement \\(ICEE\\) Act Provisions\]\(#\)](#)**: including (1) working with national Native organizations to assess FY 2023 Buy Indian Act performance data and then co-design a joint plan to further increase agencies' purchase of goods and services from tribally owned and Native-owned companies (*DOI, HHS*), and (2) launching a comprehensive plan governing how the covered agencies will coordinate to support Indian Country economic growth (*Commerce, DOI, Treasury*).
- ❖ **Ensure Tribal Governments Receive Their Fair Share of the State Small Business Credit Initiative's [Investing in America Small Business Opportunity Program](#):** to provide legal, accounting, and financial advisory support to Native-owned businesses (*Treasury*).
- ❖ **Revise DOT's [Disadvantaged Business Enterprise \(DBE\) Program](#):** to (1) recognize tribally owned firms as economically and socially disadvantaged without requiring them to submit proof of personal net worth of board members or executives, and (2) confer DBE certification on those firms that have qualified for or currently participate in SBA's 8(a), Small Disadvantaged Business, and/or HUBZone programs to give them a fair chance to compete (*DOT*).
- ❖ **Modify SBA Rules to Make North American Industry Classification System (NAICS) Code Interpretation More Flexible and Prompt:** so that antiquated codes don't inhibit Native-owned 8(a) subsidiary companies from competing for contracts in rapidly growing industries such as Cybersecurity, Artificial Intelligence and Machine Learning, and Cloud Computing. (*SBA*)

ENDORISING NATIVE ORGANIZATIONS



TAX FAIRNESS FOR TRIBAL ECONOMIC DEVELOPMENT AND GROWTH

- ❖ **Formally Acknowledge the Federal Tax-Exempt Status of Tribally Chartered Corporations Wholly, Jointly, or Majority Owned by a Tribal Nation:** Conferring this status is supported by federal treaties, laws, and policies, and would [enhance the growth and competitiveness of tribal enterprises](#), which provide jobs, income, and services to tribal citizens (*IRS, Treasury*).
- ❖ **Ensure Tribal General Welfare Exclusion (GWE) Act Regulations Adhere to Treasury Tribal Advisory Committee (TTAC) Priorities:** and provide maximum deference to Tribal Nations in developing GWE programs and standards. Treasury's consultation on the [TTAC Dual Taxation Report](#) also should inform Treasury's approach to designing and implementing Indian Country tax policies (*Treasury*).
- ❖ **Modernize the [Licensed Indian Traders Regulations](#):** to protect tribal governments from the harmful effects of state dual taxation and interference and [promote tribal self-determination, economic development, and self-sufficiency](#) (*DOI, WH*).
- ❖ **Expand TTAC's Scope of Advisory Responsibility to All Treasury Department Activities and Programs:** to ensure they support and advance tribal self-determined economic activities (*Treasury*).
- ❖ **Provide Permanency and Dedicated Funding to Treasury's Office of Tribal and Native Affairs:** to ensure Indian Country's needs and priorities are understood and addressed by top-level policymakers across the Department; Treasury should seek ample, long-term funding for the Office (*Treasury*).

LAND AND ENERGY DEVELOPMENT

- ❖ **Increase Tribal Adoption of [HEARTH Act Leasing Regulations](#):** through [expanded outreach to/training of tribal leaders and staff](#) about how to develop these regulations and for what economic purposes; conduct a comprehensive assessment of the program's first decade in existence to identify areas for improvement (*DOI*).
- ❖ **Ensure Indian Country Receives Its Fair Share of [Greenhouse Gas Reduction Fund](#) (GGRF) Dollars:** given the acute climate change impacts and clean energy needs of Native communities and the automatic designation of tribal lands as qualified low-income/disadvantaged communities, which merit Native-led applicants receiving priority in awarding GGRF [Clean Communities Investment Accelerator](#) and [Solar for All](#) program funds (*EPA*).
- ❖ **Build on Recent Efforts by the Bureau of Indian Affairs to Streamline Mortgage and Title Processes on Tribal Trust Lands:** by conducting ongoing trainings of federal staff, tribal leaders, and lenders and adopting policies and procedures to ensure full implementation of the [Indian Affairs Mortgage Handbook](#); also provide Tribal Nations digital access to land title records for land management, tracking, and general reference purposes through the Trust Asset and Accounting Management System (*DOI*).
- ❖ **Abandon DOE's [Improper Interpretation](#) of "Double Dipping" that Prevents Tribal Nations from [Accessing Tribal Energy Loan Guarantee Program](#) Funding:** to fulfill congressional intent to raise tribal energy project investments through loan guarantees (*DOE*).

INFRASTRUCTURE AND WORKFORCE DEVELOPMENT

- ❖ **Issue the Remaining [Tribal Priority Window 2.5 GHz Licenses](#) and Auction 108 Licenses:** through permanent licensing to increase coverage and capacity in rural tribal areas and [enhance Tribal Nations' development of spectrum-based opportunities](#) (*FCC*).
- ❖ **Initiate Consultation with Tribal Nations to Co-Design a Plan to [Improve the Accuracy](#) of Broadband Data Mapping on Tribal Lands:** to ensure the federal government's effective allocation of resources to expand broadband deployment in Indian Country for economic and other purposes (*FCC*).
- ❖ **Properly Enforce the [Inter-Agency MOA Governing Public Law 102-477](#):** to enable Tribal Nations and intertribal consortia to merge federal funding sources for economic and workforce development to advance their long-range priorities without unlawful federal agency interference (*DOI, WH*).
- ❖ **Produce the Long-Overdue [American Indian Population and Labor Force Report](#):** in partnership with Tribal Nations; this report, which DOL is legally required to produce every two years, also should prioritize the use of tribally generated data (*DOL*).

GROWING NATIVE FOOD ECONOMIES

- ❖ **Expand Initiative to Promote Native Foods Internationally:** The number and scale of Native food producers have grown dramatically over the past decade. Working with Native organizations like the Intertribal Agriculture Council, USDA and USTR should continue to expand efforts to market the products of Native food producers to buyers in foreign countries (*USDA, USTR*).
- ❖ **Authorize Native CDFIs to [Administer Farm Service Agency/Rural Development Direct Funding](#):** Increased credit access, flexible terms, and higher limits will catapult Native ag production (*USDA*).
- ❖ **Modify [Regional Agricultural Promotion Program](#) Funding Formula and Increase Funding Eligibility to Support Intertribal Food Trade:** to foster greater tribal producer participation (*USDA*).

SMALL BUSINESS DEVELOPMENT

- ❖ **Expedite Full Implementation of the [Native American Business Incubators Program Act](#):** by awarding grants to new applicants to expand Native business development and ensuring Act-mandated interagency coordination (*DOI, USDA, Commerce, Treasury, SBA*).
- ❖ **Increase Allocations of [Minority Business Development Agency](#) and [SBA 7\(j\) Grant Funding](#) to Native Businesses and Business Assistance Providers:** to enhance the growth of those businesses and their ability to secure government contracts (*Commerce, SBA*).

FOSTERING INTERNATIONAL NATIVE COMMERCE

- ❖ **[Launch Initiative](#) to Implement Indigenous-Focused Provisions in 2020 United States-United Mexican States-Canada (USMCA) Trade Agreement:** Convene a special listening session with tribal governments and national Native organizations to assist USTR with developing a comprehensive strategy for supporting the exercise of Indigenous peoples' rights as recognized in the USMCA (*USTR*).
- ❖ **Focus the 2024 USMCA Small and Medium-Sized Enterprises (SME) Dialogue on [Enhancing International Commerce Involving Native Nations and Businesses](#):** to develop targeted federal strategies (such as including Native representatives on U.S. foreign trade missions) to expand international commerce involving tribal enterprises and Native-owned businesses (*USTR*).