

February 21, 2025

Scott Bessent
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220

RE: Department of Treasury Treatment of Tribal Nations in Implementation of Administration Priorities

Dear Secretary Bessent:

On behalf of the undersigned organizations serving Tribal Nations and Tribal citizens and communities, we write to congratulate you on your confirmation to lead the U.S. Department of the Treasury. Significant progress was made between Treasury and Tribal Nations during President Trump's first term, and we are hopeful that even more progress can be made in his second term. *We request a meeting with you as soon as possible* to discuss building on this progress and implementing President Trump's priorities in a manner that recognizes Tribal Nations' sovereign governmental status and the United States' longstanding trust and treaty obligations.

Build on Positive Gains of First Trump Term. One of the key actions taken by Treasury during President Trump's first term was to establish a Tribal Affairs Program in the Treasurer's Office to ensure Tribal Nations' distinct legal status is understood and addressed by top-level Department policymakers. The Tribal Affairs Program was critical in helping Tribal Nations navigate the economic impacts of the COVID-19 pandemic and has proven vital in advising Treasury and the Internal Revenue Service (IRS) on tax and capital access issues impacting Tribal Nations. Tribal governments are often the primary economic engines supporting rural communities, and the historic failures of the federal government to provide certainty on our tax-exempt status have discouraged private investment in our communities.

Since Treasury established the Tribal Affairs Program, which is now the Office of Tribal and Native Affairs, it has worked with the Treasury Tribal Advisory Committee (TTAC), Office of Tax Policy, and the IRS to address long-standing tax issues. For example, these entities made progress towards the implementation of the Tribal General Welfare Exclusion Act of 2014, which was introduced by former Rep. Devin Nunes. This bill enables Tribal Nations to provide general welfare to support the well-being of our citizen—from housing to education. Given the success of the Trump Administration's investment in Treasury Tribal Affairs, we request that you continue to work with the TTAC and Office of Tribal and Native Affairs on Treasury and IRS issues that impact Tribal Nations to support our mutual goal of economic prosperity for Tribal communities. Similarly, we request that the Administration continue its engagement with the IRS Indian Tribal Governments' Office which assists the Commissioner on tax matters impacting Tribal Nations.

Shared Priorities. President Trump in his first Administration saw Indian Country as a strong partner, and Tribal Nations are ready to work with the Trump Administration again on shared priorities. Indian Country has long supported a smaller federal bureaucracy with less red tape. We believe in reducing unnecessary regulatory burdens and streamlining federal funding mechanisms, which will help foster Tribal Nations' locally-driven economic development and strengthen our rights of self-determination. We are ready to join forces with the Administration in its pursuit to hold the federal government accountable to the highest standards, as the American people deserve.

Inadvertent Harm to Indian Country. While we look forward to achieving these shared goals, recent actions to implement the Administration’s Executive Orders have impacted Tribal Nations and Native people in ways that are deeply concerning. Regarding Treasury in particular, we are concerned the Administration’s priorities of reducing federal spending and the federal workforce and addressing diversity, equity, inclusion, and accessibility (DEIA) and environmental justice (EJ) initiatives are affecting Treasury Tribal programs. These Tribal programs are not “preferences” or “race-based” programs, but rather they deliver trust and treaty obligations to sovereign Tribal Nations and their citizens and communities. Additionally, we are concerned that across-the-board reductions will undermine the extensive progress made during and since President Trump’s first term. We cannot afford to lose employees within Treasury’s Office of Tribal and Native Affairs or within the Office of Indian Tribal Governments (ITG) at the IRS. These employees have specific expertise that is difficult to find and recruit, and reducing the workforce in these offices will have an immediate negative impact on Tribal Nations. For example, with this week’s layoff of 6,000 IRS employees, we are gravely concerned about the likely effects to ITG, given its recent staffing increase. ITG provides vital direct service to Tribal Nations, including assistance with employment tax filings. If ITG’s workforce has been reduced in this round of layoffs, we urge, in the strongest possible terms, their immediate reinstatement. Going forward, they must also be protected from any additional reductions in force.

Unique Legal Status of Tribal Nations. Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with our Tribal citizens and community members. We govern and police our lands, and we provide services aimed at keeping our communities safe and healthy. Tribal Nations also have political, government-to-government relationships with the United States, and we prepaid with our lands and resources for trust and treaty obligations that the United States owes us. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that United States actions that deliver on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities do not run afoul of the U.S. Constitution’s equal protection requirements.

Scope of Trust and Treaty Obligations. The United States fulfills its trust and treaty obligations both through the direct delivery of Tribal programs and services and the provision of federal funding to Tribal Nations to deliver services to our own communities. Essential services include healthcare through the Indian Health Service, law enforcement and public safety through the Bureau of Indian Affairs, and education through the Bureau of Indian Education—not to mention countless others. Any Tribal program or funding delivered to Tribal Nations—including through Urban Indian Organizations and Tribal organizations serving Tribal Nations—is provided in furtherance of the United States’ trust and treaty obligations. The federal employees necessary for the functioning of Tribal programs and the disbursement of Tribal funds are also part of the trust and treaty obligations. These actions are not discretionary; they are legal obligations rooted in treaties, trust obligations, the U.S. Constitution, and long-standing federal statutes.

Positive Clarifications by Other Federal Agencies. We note and appreciate that the Departments of Health and Human Services and Interior and the Office of Personnel Management have taken some steps to clarify that implementation of the Administration’s Executive Orders and priorities should not impact the United States’ delivery on trust and treaty obligations and that such delivery is not race-based. It is also our understanding that the termination of some federal employees was suspended in response to Tribal advocacy.

Requests. Indian Country programs and funding are provided on the basis of our unique political status and are legally required by trust and treaty obligations and associated implementing statutes. Each of the Administration’s mandates has acknowledged that such ongoing legal requirements are not to be affected. Therefore, we make the following requests.

- Exempt from any efforts to pause or reduce federal funding all Treasury Tribal programs or funding delivered to Tribal Nations.
- Exempt from any workforce reductions all Treasury employees serving in Tribal offices or whose roles assist in the delivery of services or funding to Tribal Nations or Tribal citizens or communities, including the Office of Tribal and Native Affairs and relatedly the IRS Indian Tribal Governments’ Office. Immediately reinstate any employees already terminated.
- Meet regularly and work with the TTAC to continue progress on longstanding Tribal tax issues.
- Engage with us—*prior* to taking action—to better understand how to implement the Administration’s priorities without affecting ongoing legal requirements to Indian Country, as is required by the United States’ duty to consult government-to-government with Tribal Nations on federal actions that may have Tribal implications. This includes Tribal consultation to determine how we can align with and advance President Trump’s tax priorities in a manner that increases private investment in our communities and Tribal Nations’ access to capital and bonding authority.
- Follow the lead of other federal agencies by affirmatively stating that programs for Tribal Nations and Tribal citizens and communities are not DEIA initiatives, but are delivered in recognition of our unique political status and in furtherance of the United States’ trust and treaty obligations.

Tribal Nations’ exercise of our sovereignty and the United States’ delivery on its trust and treaty obligations must not become collateral damage in the Administration’s implementation of its priorities.

Thank you for your leadership on these important issues. We invite you to meet with us so that we may work together in partnership to reach mutual understanding and achieve our shared priorities.

Sincerely,

Affiliated Tribes of Northwest Indians
American Indian Higher Education Consortium
California Tribal Chairpersons’ Association
Great Lakes Inter-Tribal Council, Inc.
Great Plains Tribal Chairman's Association, Inc.
Midwest Alliance of Sovereign Tribes
National Congress of American Indians
National Council of Urban Indian Health
National Indian Child Welfare Association
National Indian Education Association
National Indian Health Board
Rocky Mountain Tribal Leaders Council
Self-Governance Communication and Education Tribal Consortium
United South and Eastern Tribes Sovereignty Protection Fund