

U.S. DEPARTMENT OF THE TREASURY

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TREASURY TRIBAL ADVISORY COMMITTEE

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THURSDAY  
MAY 22, 2025

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The Advisory Committee met in the Cash Room of the Treasury Building, 1500 Pennsylvania Avenue, NW, Washington, D.C., at 1:00 p.m., W. Ron Allen, Chair, presiding.

PRESENT

W. RON ALLEN, Jamestown S'Klallam Tribe; Chair  
CHIEF J. ALLAN, Coeur d'Alene Tribe  
RODNEY A. BUTLER, Mashantucket Pequot Tribe  
CARLA KEENE, Cow Creek Band of Umpqua Tribe of  
Indians  
WILL MICKLIN, Tlingit Haida Indian Tribes of  
Alaska  
MARTIN TUCKER, Choctaw Nation of Oklahoma  
CORA WHITE HORSE, Oglala Sioux Tribe

ALSO PRESENT

FATIMA ABBAS, Director, Office of Tribal and  
Native Affairs, U.S. Department of the  
Treasury; Designated Federal Officer  
THE HONORABLE MICHAEL FAULKENDER, Deputy  
Secretary/Acting IRS Commissioner, U.S.  
Department of the Treasury  
BRANDON BEACH, Treasurer of the United States,  
U.S. Department of the Treasury

1 KEN BELLMARD, Deputy Assistant Secretary for  
Policy and Economic Development, U.S.  
2 Department of the Interior  
KEVIN SALINGER, Deputy Assistant Secretary of  
3 Tax Policy, U.S. Department of the  
Treasury  
4 STEPHANIE BLAND, Deputy Associate Chief Counsel  
(Energy, Credits, and Excise Tax), IRS  
5 Chief Counsel's Office  
LYNNE CAMILLO, Deputy Associate Chief Counsel  
6 (Employee Benefits, Exempt Organizations,  
and Employment Taxes), IRS Chief Counsel's  
7 Office  
ROBERT CHOI, Acting Commissioner-Tax Exempt &  
8 Government Entities, IRS  
JEFF ERICKSON, Associate Chief Counsel  
9 (Passthroughs, Trusts, and Estates), IRS  
Chief Counsel's Office  
10 ROBERT MALONE, Acting Deputy Commissioner-Tax  
Exempt & Government Entities, IRS  
11 KARLA MEOLA, Special Counsel, Income Tax &  
Accounting, IRS Chief Counsel's Office  
12 KRISHNA VALLABHANENI, Tax Legislative Counsel-  
Office of Tax Policy, U.S. Department of  
13 the Treasury  
JOHN WALKER, Acting Chief Privacy Officer,  
14 Privacy, Governmental and Disclosure, IRS  
JAMES COLOMBE, Policy Advisor, Office of Tribal  
15 and Native Affairs, U.S. Department of the  
Treasury  
16 JENNIFER PARISIEN, Policy Advisor, Office of  
Tribal and Native Affairs, U.S. Department  
17 of the Treasury  
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1 P-R-O-C-E-E-D-I-N-G-S

2 1:05 p.m.

3 MS. ABBAS: Welcome, everyone. We're  
4 going to get started our first Treasury Tribal  
5 Advisory Committee meeting of this administration.  
6 Thank you to all of our in-person attendees and our  
7 virtual attendees.

8 My name is Fatima Abbas. I'm a citizen  
9 of the Haliwa-Saponi Tribe of North Carolina, and  
10 welcome you all.

11 You all should see an agenda for today's  
12 meeting. First, we're going to do a call to order  
13 with the TTAC slash roll call. Then we'll do a  
14 tribal opening, and our Deputy Secretary will be  
15 arriving at about 1:10 for opening remarks.

16 So with that, I'm just going to go  
17 through the TTAC members that are in attendance.

18 Chairman Ron Allen?

19 CHAIR ALLEN: Here.

20 MS. ABBAS: Chairman Rodney Butler?

21 MEMBER BUTLER: Here.

22 MS. ABBAS: Chairman Chief Allan?

1 MEMBER ALLAN: Here.

2 MS. ABBAS: Chief Financial Officer  
3 Martin Tucker?

4 MEMBER TUCKER: Here.

5 MS. ABBAS: Chairwoman Carla Keene?

6 MEMBER KEENE: Here.

7 MS. ABBAS: Treasurer Cora White Horse?

8 MEMBER WHITE HORSE: Here.

9 MS. ABBAS: And First Vice President  
10 Will Micklin?

11 MEMBER MICKLIN: Here.

12 MS. ABBAS: Thank you all. We have a  
13 full TTAC attendance at this meeting. And next  
14 we're going to go to the tribal prayer, which is  
15 going to be delivered by CFO Martin Tucker.

16 If you feel comfortable, you may stand.

17 (Tribal prayer.)

18 MS. ABBAS: Thank you, CFO Tucker, for  
19 that tribal opening. And as we await the Deputy  
20 Secretary, I'll just give some background on the  
21 TTAC for those that are new.

22 The Treasury Tribal Advisory Committee

1 was created by the Tribal General Welfare Exclusion  
2 Act of 2014.

3 It created an advisory committee to  
4 advise the Treasury secretary and Treasury  
5 leadership on tax matters involving tribal  
6 governments and individual Indians.

7 The TTAC is comprised of both  
8 secretarial appointments and congressional  
9 appointments, and we have a fully staffed TTAC,  
10 which we have not always had.

11 The TTAC was first stood up in 2019  
12 during the first Trump administration, and Chairman  
13 Allen is the longest serving TTAC member and also a  
14 very long-serving tribal chairman for nearly half a  
15 century.

16 CHAIR ALLEN: Well, that sort of makes  
17 me feel good, doesn't it?

18 MS. ABBAS: A lot of institutional  
19 knowledge. The TTAC works closely with the IRS  
20 Chief Counsel's office, the IRS Commissioner's  
21 office, and the Office of Tax Policy to provide  
22 feedback.

1           They complement tribal consultation.  
2   They don't replace tribal-government consultation,  
3   but the statute does provide for separate TTAC  
4   consultation and my role is as the designated  
5   federal officer for the Treasury Tribal Advisory  
6   Committee.

7           I'm also the director of the Office of  
8   Tribal and Native Affairs and online we have two  
9   members of our team, Jennifer Parisien, policy  
10   advisor, and James Colombe, policy advisor.

11           And we have our new boss, the Treasurer  
12   of the United States, Brandon Beach, who you will  
13   hear from shortly. He will be giving opening  
14   remarks. Our office is located in the Treasurer's  
15   office.

16           I'll turn to Chairman Allen and see if  
17   he's got any opening comments as we await Treasury's  
18   Deputy Secretary.

19           CHAIR ALLEN: Thank you, Fatima.

20           It's always an honor and a pleasure to  
21   be here again under the authority of the TTAC  
22   leadership, and to say the obvious to everyone,



1 Indian Country is a complicated world for all of us,  
2 those of us who work in what we call Indian Country.

3 Five hundred and seventy-six are  
4 currently recognized Indian tribes from Alaska to  
5 Florida and California to Maine, and so it's  
6 complicated.

7 But when it comes to developing  
8 economies and tribal governance, we're here to be a  
9 part of the solution.

10 So we're very excited to work with the  
11 Treasury and the IRS with regard to ways in which we  
12 can continue to improve tribes to become more self-  
13 reliant, more self-governing, and become -- raise  
14 the level of living for all of our tribal citizens.

15 Thank you.

16 MS. ABBAS: Thank you, Chairman Ron  
17 Allen.

18 And we have Treasury's Deputy Secretary  
19 here, Michael Faulkender. Many of you may have been  
20 familiar with Deputy Secretary Faulkender when he  
21 first served at Treasury as assistant secretary of  
22 economic policy.

1           He was also the point of contact for  
2 tribal consultation, and instrumental in approving  
3 the standup of the TTAC in 2019. He also helped to  
4 establish the tribal Office to Institutionalize  
5 Tribal Expertise within Treasury.

6           So, he's here to make some opening  
7 remarks and take some initial TTAC comments. So I'm  
8 going to turn to Deputy Secretary Faulkender.

9           DEPUTY SECRETARY FAULKENDER: Thank you,  
10 Fatima.

11           Apologies for my tardiness. With the  
12 Secretary traveling, you can imagine the scope of  
13 things that happen on any given day in the Treasury  
14 Department, so.

15           Great to be with all of you again. It's  
16 a privilege to be hosting this TTAC meeting here in  
17 the Cash Room and to be with all of you again.

18           Let me start by thanking you all, not  
19 just for the support of this administration, but for  
20 your support of my nomination. I was very  
21 appreciative of all of the letters of support that  
22 you sent on my behalf and they are very much

1 recognized.

2 And, again, it speaks to the  
3 collaboration that all of us had when I was the  
4 Treasury point of contact for tribal consultations  
5 in the work that we accomplished together in getting  
6 the TTAC set up, and so it's great to have all of  
7 you with us again here in the Treasury building.

8 As Fatima indicated, my name is Mike  
9 Faulkender. I am the Deputy Secretary of the  
10 Treasury in addition serving as the Acting  
11 Commissioner of the Internal Revenue Service.

12 In those roles, I am the chief operating  
13 officer of this department, implementing every  
14 aspect of Treasury authority from tax administration  
15 to coordinating financial regulation across the  
16 federal government, to the implementation of  
17 sanctions, to negotiations of international  
18 financial agreements. It's an incredible portfolio  
19 and a privilege to be back at Treasury.

20 I'm excited to meet with all of you  
21 again. As was indicated during my first term at  
22 Treasury, I had the privilege of serving as the

1 Treasury point of contact for tribal consultations  
2 as part of my role as the assistant secretary for  
3 economic policy. As she said, we were able to stand  
4 up the TTAC.

5 We were able to create the Office of  
6 Tribal and Native Affairs to recognize not just the  
7 unique government to government negotiations in  
8 which we all engage, but also to understand the  
9 unique issues that are confronting tribes and to  
10 ensure that we have the specialty skills in Treasury  
11 and in office available to work with all of you.

12 During my first tour here, and since my  
13 return, I very much appreciated our ongoing  
14 dialogue, hearing from tribal governments regarding  
15 the unique tax and economic challenges that confront  
16 tribes, and how we can improve access to capital  
17 markets to support your tribe's economic development  
18 across a variety of sectors.

19 This administration is committed to  
20 reorienting our economy, to increase access to  
21 private capital, revitalizing sectors such as energy  
22 production and supporting pro-growth tax reform, and

1 as you may have seen, we had a major step towards  
2 that this morning in the House of Representatives.

3 We believe all Americans, including  
4 tribal governments and their citizens, deserve  
5 prosperity and we are putting those beliefs into  
6 action.

7 Presently, we are working to advance the  
8 President's agenda by making progress, making  
9 historic tax relief permanent, and making sure that  
10 we don't have tax hikes at the end of this year.

11 We are also working to finalize guidance  
12 on tribal general welfare and the tax status of  
13 wholly owned tribal entities, something I know we've  
14 had ongoing conversations about.

15 Tribes have sought guidance on these  
16 issues for upwards of three decades and we agree tax  
17 certainty is necessary for tribes to chart their own  
18 economic growth strategies and for their citizens  
19 and broader community through business development.

20 Consistent with our approach in 2019,  
21 and the Tribal General Welfare Exclusion Act, we are  
22 reviewing tribal consultation feedback and will be

1 engaging with TTAC and our interagency partners as  
2 we work on the rule finalization for both of these  
3 issues.

4 In closing, welcome back. It's great to  
5 work with all of you again. I enjoy working with  
6 TTAC on supporting economic growth of the United  
7 States, including the important work that takes  
8 place in tribal lands.

9 I want to keep my remarks short so that  
10 we have plenty of time for engagement. But, again,  
11 thank you for being with us today. Look forward to  
12 hearing from you.

13 MS. ABBAS: Thank you, Deputy Secretary,  
14 for those opening comments.

15 I'm going to start turning to the TTAC  
16 for some remarks.

17 Chairman Ron Allen, if you want to start  
18 us off.

19 CHAIR ALLEN: Thank you, Fatima.

20 And, Deputy Secretary, good to see you  
21 again, and not sure if I should say Deputy Secretary  
22 slash IRS Commissioner. I trust that someday that

1 the Senate will step up and take one of those hats  
2 off your head and shoulders so you only have one  
3 job.

4 But, nevertheless, we -- I appreciate  
5 our previous meetings and your ongoing knowledge of  
6 the complexity of Indian Country when it comes to  
7 relationship with Treasury, relationship with IRS,  
8 and continue to strengthen the tribes' capacity to  
9 enhance our economies and enhance the welfare of our  
10 community, create more jobs, et cetera.

11 So with regard to your mission on behalf  
12 of the President, we couldn't agree more, and we  
13 continue to say to you and your colleagues and team  
14 that we are part of the solution in Indian Country.

15 We have told you in the past that, for  
16 the most part, we are in rural America, and it's  
17 important that our economies continue to grow. We  
18 look forward to working with you.

19 We couldn't agree more, getting --  
20 finalizing the GWE regs and finalizing the Tribal  
21 Charter Corporation regulations that help strengthen  
22 our ability to lift our people up and lift our

1 economies up, and we're looking forward to that.

2 We had a brief conversation with  
3 Treasurer Beach this morning and it was very  
4 constructive, in our opinion.

5 So we think that we're forming a really  
6 good team and we look forward to continued  
7 discussion and pushing the agenda forward,  
8 constructively, to finalizing this effort.

9 DEPUTY SECRETARY FAULKENDER: Thank you,  
10 Chairman.

11 MS. ABBAS: Thank you, Chairman.

12 We'll go to Chairman Butler.

13 MEMBER BUTLER: All right. Thank you.  
14 (Native language spoken.) Good day, everyone.  
15 Deputy Secretary, great to see you again as always.

16 As noted, Chairman Butler from  
17 Mashantucket Pequot Tribal Nation, also president of  
18 NAFOA, and it's a pleasure to be here again.

19 Wanting to join Chairman Allen in  
20 expressing our appreciation to Treasury for its  
21 commitment to the continued engagement with Indian  
22 Country, both through the TTAC and through



1 meaningful consultation.

2 We're greatly encouraged by this  
3 commitment and we look forward to deepening our  
4 relationships with the department and IRS, as well  
5 as continuing our work to improve the delivery of  
6 trust and treaty obligations.

7 With this in mind, as the co-chair along  
8 with the Tribal Economy Subcommittee along with  
9 Martin Tucker, I just want to echo Ron's call to the  
10 Treasury and IRS to work with Indian Country to  
11 finalize the long overdue, as you noted, Deputy  
12 Secretary, guidance -- tax guidance that languished  
13 during the last administration in the case of  
14 regulations around tribally chartered entities.

15 A lack of guidance confirming that they  
16 share the tax status of our governments remains a  
17 major policy barrier for tribal nations seeking to  
18 rebuild our economies and generate our own revenue  
19 for the delivery of essential services to our  
20 people.

21 Tribal nations, as you noted as well,  
22 and I appreciate that, have been waiting on this for

1 over three decades, and we should no longer be  
2 treated differently than state and local governments  
3 that regularly engage in business activities to fund  
4 programs and services.

5 I also want to acknowledge the extreme  
6 positive discussions that we've had with the  
7 Department on this issue thus far and look forward  
8 to the swift finalization of guidance incorporating  
9 consultation feedback from tribal nations and in  
10 collaboration with the TTAC.

11 And I just want to recognize, once  
12 again, Deputy Assistant Secretary Salinger for his  
13 work and commitment on this.

14 The GWE briefings are already starting  
15 as of next week, and we look forward to the tribally  
16 chartered corps briefing starting expeditiously as  
17 well so we can just, again, assist you in moving  
18 forward in that process.

19 And I'm also fortunate to sit right next  
20 to Deputy Assistant Secretary Bellmard from  
21 Interior, and knowing the partnership and  
22 collaboration that Treasury and Interior have on

1 both of these regulations is critically important,  
2 and we look forward to working with you as well to  
3 expedite that review and comment process.

4 So, again, thank you for your time  
5 today.

6 MS. ABBAS: Thank you, Chairman Butler.

7 We'll take two more comments. Since the  
8 Deputy Secretary has a hard stop we'll go to  
9 Chairman Chief Allan.

10 MEMBER ALLAN: Thank you.

11 Welcome, and thank you again for taking  
12 your time. I will be quick. I just wanted to say,  
13 tribes are your best partner in this.

14 We want efficiency, we want to cut red  
15 tape, we've always been that way. You know, we  
16 wanted job creation, and one of the things that I've  
17 been lucky enough to work on as the co-chair of the  
18 GWE, and we are starting those things next week and  
19 we want to get the -- we want to work and streamline  
20 and get those published and get those out the door,  
21 and with your help and with the Department's help, I  
22 think we can get that done.

1                   So looking forward to our first meeting  
2 next week and to move this along, get it across the  
3 goal line.

4                   Thank you.

5                   MS. ABBAS: Thank you.

6                   And we'll go to CFO Martin Tucker.

7                   MEMBER TUCKER: I'll be quick as well.

8                   Deputy Secretary, thank you for being  
9 here today.

10                  Just as a reminder, I'm the chief  
11 financial officer of the Choctaw Nation of Oklahoma.  
12 We're the third largest tribe by population.

13                  Our reservation covers the southeast  
14 quadrant of the state of Oklahoma, and that's an  
15 area economically described as being stably  
16 depressed, and right now, in our reservation, the  
17 Choctaw Nation is the largest economy that there is.

18                  And I'm also the mayor of our city of  
19 Durant where our headquarters is, a city of about  
20 23,000 citizens, the fastest growing rural city in  
21 the state of Oklahoma and one of the fastest growing  
22 micropolitan areas in the country.

1           So we are very focused on economic  
2 development as Treasurer Beach is as well and we  
3 enjoyed visiting with him and learning his  
4 priorities this morning, and so we share in many of  
5 those.

6           And so, I understand that Treasury is  
7 working to close out the COVID-19 recovery programs.

8           Tribal governments have benefitted from  
9 compliance support offered by Treasury and for those  
10 programs, and that support helps us to effectively  
11 utilize those essential funds while ensuring  
12 compliance with legal requirements, which is our aim  
13 and goal as well.

14           As we enter this critical closeout  
15 period, it's essential for Treasury to continue to  
16 provide that support -- that compliance support, and  
17 we look forward to those engagements as well.

18           There are also recovery programs for  
19 which funding continues to be rolled out. For  
20 example, the State Small Business Credit Initiative.  
21 That's been very impactful.

22           We received a large allocation, our

1     tribe did, in southeastern Oklahoma, and acting  
2     tribes like ours to support small business  
3     development in communities where access to capital  
4     is severely limited and challenged.

5             Pending applications for SSBCI funding  
6     and other programs should continue to be processed.  
7     Our concern is that uncertainty about future  
8     funding, or future tranches being paid, will have a  
9     negative impact on capital formation and, obviously,  
10    on business development.

11            We've talked about this before, but  
12    capital likes certainty, and right now we're lacking  
13    some of that.

14            I also want to recognize the work that  
15    you and the Treasury have already done to help  
16    advance tribal priorities and reduce compliance  
17    burdens including greatly narrowing the scope of the  
18    Corporate Transparency Act -- thank you for that --  
19    and committing to work on finalizing outstanding  
20    guidance products that the chiefs and chairmen have  
21    already spoke of.

22            So, Deputy Secretary, as a point of

1 contact for tribal consultation during the first  
2 Trump administration and a participant in the TTAC's  
3 very first meeting, you're familiar and a welcome  
4 face in Indian Country and we value your  
5 partnership. We appreciate your commitment to  
6 tribal issues, and we look forward to working with  
7 you.

8 MS. ABBAS: Thank you. I'll turn to the  
9 Deputy Secretary for any follow-up.

10 DEPUTY SECRETARY FAULKENDER: Again, I  
11 just want to thank all of you for being here. I  
12 think we made enormous progress. We continue to  
13 move forward with the two rule makings that we have  
14 been discussing. They are approaching finalization.

15 And I know our team in tax policy  
16 working with IRS has made significant progress on  
17 these things that should have been taken care of  
18 long ago, but are nearing completion. And so I hope  
19 that we can have an opportunity here.

20 My hard stop is not for another 10  
21 minutes, so I do have some more time to hear from  
22 all of you because we do want to make sure that we

1 get this right, so. And since all of you are here I  
2 want to make sure that we maximize the time to hear  
3 from all of you.

4 But we have heard you. We continue to  
5 take the feedback that all of you have given us to  
6 make sure that we get it right, and I know that, as  
7 you said, those briefings have begun and we're going  
8 to bring resolution to this.

9 MS. ABBAS: We'll go to Chairwoman Carla  
10 Keene.

11 MEMBER KEENE: Well, good afternoon,  
12 Deputy Secretary Faulkender.

13 I'd like to thank you for taking the  
14 time to meet with us this afternoon and for the time  
15 that you gave us last month.

16 When we met with you late April, we  
17 stressed to you how important it was for the general  
18 welfare regulations, how important they were to  
19 Indian Country, and so it's good news that they are  
20 moving forward quickly and to become final and I  
21 want to thank you for that.

22 Our tribal citizens have been waiting



1 for the state to know with certainty that the  
2 support that they receive from our tribes won't be  
3 penalized and my tribe, like many, are in rural  
4 areas, and the extra support that they get help our  
5 families put food on their tables and provide for  
6 their families.

7 So thank you again for moving the draft  
8 to become final. It will bring a lot of ease to  
9 mind for the leadership and for the tribal citizens.  
10 So, thank you.

11 MS. ABBAS: Thank you, Chairwoman.

12 Next we'll go to Treasurer Cora White  
13 Horse.

14 MEMBER WHITE HORSE: Thank you. I am  
15 Cora White Horse. I was a council person for many  
16 years for my tribe, the Oglala Sioux tribe, and now  
17 I serve as the treasurer.

18 We are a part of the Great Plains  
19 region. We cover four states and about 16 federally  
20 recognized tribes. All of our tribes are treaty  
21 tribes.

22 My tribe, the Oglala Sioux Tribe on the

1 Pine Ridge Reservation, it's about 3.1 million acres  
2 -- about the size of Connecticut -- in the  
3 southwestern corner of South Dakota and we have  
4 about 54,000 tribal members. About 38,000 live on  
5 our reservation.

6           Sadly, our reservation is one of the  
7 most impoverished and rural areas in the United  
8 States.

9           Our unemployment rate is over 80  
10 percent. I was explaining to Mr. Walker about our  
11 area, and about a third of our reservation is the  
12 Badlands. No water, no weeds, no trees.

13           And I don't know how familiar you are  
14 with the area, but we did receive the Technical  
15 Assistance Grant recently for the SSBCI and we  
16 received the first tranche of money from the SSBCI  
17 and I'm so excited because that will provide  
18 opportunity for our tribal members.

19           And earlier, when we met with the  
20 treasurer, he was talking about how governments  
21 should not be in -- or, making business, but  
22 allowing their members the opportunity or creating

1 the opportunity, and that's the same thing that I  
2 say to our tribal government.

3 We should not own the business. We  
4 should create the opportunity, and with your help,  
5 that's what we're doing.

6 And I was on tribal council when you  
7 seated the first TTAC, and I was pretty excited.  
8 Nobody else paid attention. I was pretty excited.

9 There's a couple of things, though, that  
10 I think we need to go over. One of the things is  
11 tribes -- like, the tribes in our area are all  
12 treaty tribes and they're -- because our areas are  
13 so remote, we are the largest employers on our  
14 reservations.

15 But we are still tribes. We are still  
16 tribal governments, and under ACA we're considered  
17 large employers, not tribal governments.

18 I think that needs to be looked at and  
19 changed because that's a policy change. It's not a  
20 legislative change.

21 We should be considered Indian tribes  
22 because of our treaties and we're not, so it causes

1 us -- we can't get government rates for insurance  
2 for our employees, so we have to pay public rates  
3 for our employees and so we don't have very good  
4 health insurance, and it would be better to be able  
5 to just allow them to use IHS because, even though  
6 IHS isn't the best health service, if you push,  
7 you'll get what you need done.

8 So I think that we need to reclassify or  
9 find a way to fix because that was just a policy  
10 change to have tribes identified as large employers.  
11 So we need to fix that somehow.

12 I think that -- you know, in our area,  
13 it's -- we were talking about infrastructure  
14 earlier, and in our area, we have over 500 miles of  
15 BIA roads but we 638 the maintenance and our  
16 maintenance budget for 500 miles is close to \$6  
17 million for 500 miles of roads, which is kind of  
18 crazy.

19 You know, there needs to be a different  
20 formula for that. That doesn't fall under you,  
21 though, but it does fall under Mr. Bellmard.

22 And in our region, six of the poorest

1 counties in the United States are in our region, so  
2 we really appreciate every chance we get to provide  
3 opportunity for our members to grow. Whether it's  
4 for education, whether it's for infrastructure or  
5 becoming self-sufficient through business.

6 We appreciate all of it. and I'm glad  
7 that you're open-minded, and I look forward to  
8 working with you. Thank you.

9 MS. ABBAS: Thank you, Treasurer White  
10 Horse.

11 And our last TTAC member is First Vice  
12 President Will Micklin.

13 MEMBER MICKLIN: Thank you, Deputy  
14 Secretary Faulkender, for your leadership. Thank  
15 you, Treasurer Brandon Beach for your introduction  
16 to TTAC today.

17 And thank you, Mr. Ken Bellmard, Deputy  
18 Assistant Secretary for Policy and Economic  
19 Development from the Department of Interior for  
20 appearing with us today. Much appreciated.

21 My name is Will Micklin. I serve as  
22 fourth Vice President for the Executive Council of

1 Tlingit Haida Indian Tribes of Alaska for the  
2 regional tribe in southeast Alaska, and I will  
3 summarize my remarks just to say that I will mention  
4 the TTAC and its Parity and Reform Subcommittee  
5 continues to address tribal employee plan  
6 recommendations and further petitions for  
7 collaboration with Department of Labor in  
8 prosecuting our objective to finally achieve clear,  
9 meaningful, and appropriate pensions guidance  
10 arising from the Pension Protection Act of 2006, and  
11 our request for an enforcement moratorium until we  
12 have clear guidance established for tribes.

13           We are very hopeful that we now have  
14 your commitment for -- to resolve problems that have  
15 been long standing, such as the PPA of 2006, where  
16 you now feel empowered to resolve these matters.  
17 And among these, we are recommending a continued  
18 discussion with the Internal Revenue Service and  
19 TTAC members who can continue to meet to address  
20 issues that have troubled Indian Country for some  
21 time, and in that and being very positive in our  
22 recommendation supporting the elevation of the

1 Office of Indian Tribal Governments to a position  
2 within the service organization chart that will help  
3 attract the resources, including any modernization  
4 resources available to staff ITG and, in particular,  
5 the tax law specialists that help resolve problems.

6 We have enough auditors, but in getting  
7 those specialists who are trained in Indian tax law  
8 matters, would be very helpful in resolving these  
9 long standing matters.

10 I had previously in our morning meeting  
11 addressed the specific issue of EINs -- employee  
12 identification numbers -- that I'm CEO for a tribe  
13 that has two, one over 50 years old, a new one  
14 assigned to us 15 months ago out of the blue and now  
15 we move forward with continual monthly notices on  
16 two EINs, the old one reissued to us and a new one  
17 we never asked for 15 months ago.

18 It seems to illustrate a problem in  
19 propagating solutions through databases. We  
20 acknowledge that IT solutions are not near term.  
21 They take some time to affect and, therefore, the  
22 importance of an Office of Indian Tribal Government

1 in assisting the mutual interest of tribes and with  
2 the service and the Treasury in applying the  
3 appropriate attention to resolving matters that need  
4 not persist for as long as they do.

5 Thank you for your attention on these  
6 and I, in particular, and all of us look forward to  
7 our continued work with you, Mr. Deputy Secretary,  
8 and, of course, Treasurer Beach.

9 Thank you so much.

10 DEPUTY SECRETARY FAULKENDER: Thank you  
11 all for those comments.

12 Before I depart and leave you in the  
13 able hands of my colleagues, let me just say -- I've  
14 said this on a number of occasions, but I haven't  
15 yet had an opportunity, but since you asked about  
16 IRS modernization, unfortunately, for 35 years the  
17 IRS has been five years away from being modernized.

18 We will not say that for a 36th year.  
19 So we are going to get it done. We have accelerated  
20 it. We are taking a different approach, and it is  
21 going to get done before our term is over.

22 So with that, I'm going to leave you



1 with my colleagues, but you are in very capable  
2 hands. As you've seen already, we have made  
3 enormous progress on the issues that TTAC has  
4 brought to us and look forward to our ongoing  
5 collaboration.

6 Thank you.

7 MS. ABBAS: Thank you to the Deputy  
8 Secretary for those remarks and the TTAC.

9 Next, we're going to go to remarks from  
10 Treasurer Brandon Beach. Our office reports up to  
11 the Treasurer of the United States, who just  
12 received his commission from the President today.

13 Treasurer Beach?

14 TREASURER BEACH: Well, thank you, and  
15 good afternoon and welcome and thank you all for  
16 being here.

17 I want to welcome TTAC and all the  
18 tribal leaders. It's great to have you here in  
19 Treasury.

20 My name is Brandon Beach and I was  
21 recently appointed to serve as Treasurer of the  
22 United States, and before I talk about my work with

1 President Trump's administration and his priorities,  
2 I'm going to just tell you a little bit about myself  
3 first.

4 I'm originally from Louisiana and I went  
5 to LSU for undergrad, and then I went to Centenary  
6 College for my MBA.

7 The day after I finished business  
8 school, I went to work for Quaker State Motor Oil  
9 and was transferred to Atlanta, where I've been the  
10 past 32 years, and I've been in the private sector,  
11 but also served in local government.

12 I got started on Alpharetta's city  
13 council, a small city about 20,000 or so -- 23,000  
14 when I started. Now it's 80,000. It's grown.

15 And then I was president of the North  
16 Fulton Chamber of Commerce. So I did economic  
17 development for the past 15 years and I served on  
18 the Department of Transportation board.

19 We're one of two states that elects  
20 their DOT board members, and I did two terms there  
21 and then eventually seven terms in the Georgia State  
22 Senate, which I just resigned from when I was

1 appointed to this position.

2 But, I've worked a lot on infrastructure  
3 and economic development and there is a direct  
4 correlation between infrastructure investment and  
5 economic development and job creation.

6 So now I've kind of moved on, and I  
7 moved from local and state government to really the  
8 economic heart of the federal system.

9 In my current role I oversee the Bureau  
10 of Engraving and Printing, the U.S. Mint, and I work  
11 on some areas involving anti-counterfeiting and  
12 economic development and I think that's where you  
13 guys come in, as our economic development work  
14 includes supervising the Office of Tribal and Native  
15 Affairs, and we're going to be concentrating on  
16 that.

17 Now, I will tell you I'm new to tribal  
18 issues and I've welcomed hearing from tribal leaders  
19 in the last couple weeks, and I want to say this.

20 You got someone really good representing  
21 you here. She's passionate about this issue and  
22 doing great. So it's great to have her helping me

1 with these issues.

2 But I have learned, real quick, some of  
3 the challenges and in accessing capital to drive  
4 your economic growth without federal intervention.

5 As a former state and local official  
6 I've seen firsthand how local control, private  
7 sector investment, and deregulation can foster  
8 economic development, and that's what we want to do.

9 Let me tell you about the President's  
10 agenda. He wants prosperity for all Americans and  
11 across all regions of our country, and that includes  
12 tribal governments and citizens whose economies have  
13 been subject to restraints on development for way,  
14 way too long, and we're going to change that, and  
15 you heard he's going to make changes at the IRS.

16 In my recent meetings I've heard from  
17 tribal leaders regarding many economic challenges  
18 and it breaks my heart to hear 80 percent  
19 unemployment. That's just unacceptable, and we've  
20 got to do something about that to help you and help  
21 that go away. That's higher rates than Somalia and  
22 many other developing countries.

1           We have to reinvest in America,  
2 including Native America. This means supporting  
3 private sector investment on tribal lands and  
4 working to promote pro-growth guidance that reduces,  
5 rather than adds, administrative burdens.

6           Consistent with the President's  
7 priorities I look forward to working with TTAC, my  
8 tribal team, Treasury -- and Treasury colleagues to  
9 advance final guidance on long standing tax issues  
10 that support economic development of individual  
11 tribal citizens, and provide tax certainty for  
12 commercial activities by tribal businesses.

13           Certainty is important. That's what the  
14 capital markets want. So we know that's critical  
15 and we'll continue to work on pro-growth tax  
16 guidance, which is an essential component of  
17 supporting tribal efforts to grow your economic  
18 wellbeing. So we're going to continue to do that  
19 and we'll go from there.

20           But, thank you again for being here and  
21 keep working with my office and we'll continue to  
22 grow. Thank you very much.

1 MS. ABBAS: Thank you, Treasurer Beach.  
2 Chairman Allen, do you have any  
3 comments?

4 CHAIR ALLEN: Thank you, Fatima.  
5 Just briefly, the tribes -- tribal  
6 leadership here, is deeply appreciative of the  
7 Treasurer spending time with us to have a good  
8 handle on the complexity of Indian Country and our  
9 vision and goals of becoming stronger, self-  
10 governing, and self-reliant governments and  
11 communities.

12 We share his vision and thoughts, as  
13 well as the President, regarding strengthening our  
14 economies, and that's what our mission is here. The  
15 GWE regs are designed to lift up our people to  
16 become more self-reliant as individuals and  
17 families, and that makes the economy stronger and  
18 the -- with regard to providing vehicles to have  
19 investment in our communities both for  
20 infrastructure, but as well as various new  
21 businesses or business opportunities to create new  
22 kinds of job opportunities in our community.

1                   For the most part -- I've repeated it to  
2 the Treasurer before, that we're in rural America  
3 and we are part of the solution.

4                   So we look forward to working with him.  
5 We appreciate his support for your office, Fatima.  
6 The Tribal Affairs Office is essential for us to be  
7 successful.

8                   Thank you.

9                   MS. ABBAS: Thank you, Chairman Allen.

10                  I'll turn to other TTAC members if  
11 there's any comments. You may just unmute yourself.

12                  MEMBER BUTLER: Over here.

13                  No, look, you know, just not to be  
14 overly redundant, but just thinking about where  
15 we're at on the two regulations that are coming  
16 forward, and the confidence that we all have in this  
17 team, you know, given the reassurance from the  
18 Deputy Secretary and the assistant secretaries.

19                  I'm excited that those are going to be  
20 done and done quickly, and I'm really excited about  
21 once those are behind us, you know, speaking with  
22 the Treasurer this morning about the opportunity to,

1 again, focus on economic growth and prosperity and  
2 all the other opportunities that we have in Indian  
3 Country ahead of us and working with this  
4 administration.

5 So, I just wanted to reiterate Chairman  
6 Allen's point, but just very excited about where  
7 we're at and where our priorities align.

8 MS. ABBAS: Thank you, Chairman Butler.

9 Next, we're going to go to remarks by  
10 Acting Assistant Secretary for Tax Policy Kevin  
11 Salinger.

12 DEPUTY ASSISTANT SECRETARY SALINGER:  
13 Thank you, Fatima, and good afternoon, TTAC members  
14 and members of the tribal and -- tribal leaders.

15 My name is Kevin Salinger and I have the  
16 privilege of serving as the Acting Assistant  
17 Secretary for Tax Policy. I've been at Treasury for  
18 about two months now.

19 Previously I was in private practice at  
20 a firm called Jefferies, which is a global  
21 investment bank and capital markets firm where I was  
22 a managing director, and before that I was an



1 attorney at a law firm called Sullivan & Cromwell.

2 My role at Treasury in the Office of Tax  
3 Policy, in addition to advising the Secretary and  
4 the President on matters of tax policy, is also to  
5 steer guidance and regulations through the process,  
6 to make policy calls and to ensure that that  
7 guidance is promulgated in a timely manner.

8 So, as someone who's coming from the  
9 private sector and who, up until two months ago had  
10 never lived or worked in Washington, my hope is to  
11 bring a perspective to tax policy that is grounded  
12 on how tax rules actually play out for businesses,  
13 individuals, and communities.

14 I understand the practical challenges of  
15 navigating overly complex rules, the need for  
16 clarity and certainty, and the way that clear rules  
17 can enable economic growth including, most  
18 importantly, access to capital.

19 Investment banking is all about  
20 connecting capital with businesses and individuals  
21 who need capital.

22 And so, Chairman Butler and CFO Tucker,

1 your comments are very well received. Capital needs  
2 certainty, and Treasurer White Horse and Chairman  
3 Allen, I also echo your comments that tribes need to  
4 be economically self-sufficient, and they will drive  
5 their own economic growth. Government needs to do  
6 its job and then get out of the way to allow that to  
7 happen.

8 So, over the past month, I've met with  
9 tribal leaders across Indian Country to hear about  
10 your priority tax issues and your support for the  
11 administration's pro-growth tax policies.

12 So, while I'm new to tribal tax matters  
13 I recognize the unique and complex issues impacting  
14 tribal economic development, and I know firsthand  
15 the importance of clear and timely administrative  
16 rules.

17 This administration seeks to prioritize  
18 tribal matters and to provide taxpayers with a  
19 better product and service, especially in the  
20 digital era.

21 This building is focused on furthering  
22 the President's pro-growth economic policies and I

1 would highlight, for example, the House bill that  
2 was passed this morning that the Deputy Secretary  
3 mentioned which makes permanent important tax cuts  
4 and, in addition, offers some of the President's  
5 headline provisions on no tax on tips, overtime, and  
6 additional tax cuts for seniors, all of which stand  
7 to benefit impacted members of the tribal community.

8 So, our work with TTAC will be guided by  
9 these economic principles and specifically we're  
10 working to finalize regulations addressing the tax  
11 status of wholly owned tribal entities and  
12 implementing the Tribal General Welfare Exclusion  
13 Act of 2014.

14 An emphasis there on 2014 -- that's 11  
15 years ago. The bill that is working its way through  
16 Congress right now, and will be passed and signed  
17 into law this year, we're going to have regulations  
18 on that out this year.

19 There is no excuse for regulations to  
20 take 11 years to get through the process. So, these  
21 issues have lingered far too long and my office is  
22 committed to finalizing these rules expeditiously

1 and to take seriously the substantive comments  
2 raised in TTAC consultation.

3 My team, including Krishna here to my  
4 right, has deep technical expertise in these areas  
5 and we will get the issues right.

6 For both rulemakings, we are close to  
7 completing our review. In the coming days we plan  
8 to begin consulting with TTAC for their feedback,  
9 and intend to continue that process throughout June.

10 We will also engage with the Department  
11 of the Interior for their views before we finalize  
12 the rules. We look forward to the feedback we  
13 receive and intend to work expeditiously to get this  
14 all done.

15 Thank you.

16 MS. ABBAS: Thank you so much for those  
17 comments.

18 I'll turn to Chairman Allen for any  
19 follow-up.

20 CHAIR ALLEN: Well, Mr. Salinger, once  
21 again, thank you for meeting with us again. We  
22 appreciate our informal conversation that we had a

1     few weeks back, and underscoring the same points  
2     that you are highlighting with regard to our mission  
3     and our goals.

4                 Thank you for highlighting the fact that  
5     it shouldn't have taken 10, 11 years to get  
6     something done. We appreciate the attitude of this  
7     administration, too. We're going to get it done and  
8     we're going to get it done ASAP.

9                 And we know there's a number of steps,  
10    and we're trusting and counting on you and your team  
11    -- the Treasurer -- to help us marshal through the  
12    steps that are essential and required, in a very  
13    expeditious manner.

14                We're on the same page with regard to  
15    our mission and our goals and we appreciate the  
16    positive, can-do disposition that you're sharing  
17    with us.

18                Thank you.

19                MS. ABBAS: Thank you, Chairman Allen.

20                CFO Martin Tucker?

21                MEMBER TUCKER: Mr. Salinger, I  
22    appreciate your comments and I want to say that it's

1 encouraging and refreshing to hear the thought  
2 process, and we're on the same page, and Chairman  
3 Butler and I work on the committee of -- it's trying  
4 to improve tribal economies.

5 I made this commitment last year, he and  
6 I did -- I'm making it to you today -- that we will  
7 do everything we can to deconflict and to improve  
8 whatever we need to do to help get regulations  
9 implemented, clear up language, to clear up the aim,  
10 the intent.

11 Whatever we can do to help, we're here  
12 to help, and that's what we want to do.

13 MS. ABBAS: Thank you.

14 Vice President Will Micklin?

15 MEMBER MICKLIN: Thank you, Mr.  
16 Salinger, for your remarks.

17 On Tuesday, the Alaska delegation co-  
18 sponsored a bill in the House and a companion bill  
19 in the Senate to rescind prior legislation that  
20 placed constraints on small businesses operating  
21 under the SBA 8(a) contract program.

22 It's recognition that there are a number

1 of impositions of burdens, particularly on tribes  
2 and tribes operating small businesses, that places  
3 at a disadvantage to both public and private  
4 entities.

5 I think you can see consistently with  
6 the TTAC initiatives that we are looking to provide  
7 clear and concise guidance for tribes and their  
8 entities and remove those burdens that cause  
9 additional effort and additional cost.

10 So, it puts us on a equal playing field  
11 with other entities so that we can improve the  
12 economies within our communities, and as Chairman  
13 Allen and Chairman Butler often say, when tribal  
14 economies improve, the entire region improves.

15 So I thank you for supporting that, and  
16 I acknowledge your interest in putting to resolution  
17 many matters, like the employee pension law that has  
18 stood unresolved for 19 years now, and other matters  
19 of similar long duration that we think there's an  
20 answer to that we can agree on.

21 And I thank you for the attention and  
22 the commitment you have in moving forward with

1 these. I think together we can make a significant  
2 impact on improving the general welfare of tribes  
3 and tribal citizens in this administration.

4 So, thank you so much, sir.

5 MS. ABBAS: Thank you. Any other TTAC  
6 members have comments?

7 Chairman Chief Allen?

8 CHAIR ALLEN: I'll be real quick. I  
9 just wanted to say thank you for your comments, and  
10 just a word of caution.

11 You know, I know we have steps to go  
12 through but part of this administration's goal and  
13 has always been the tribes' goal is cutting red tape  
14 and being efficient.

15 And so we can go through all these  
16 steps, you know, every day of the week, you know.  
17 But let's just -- you know, let's get this general  
18 welfare stuff across the line. We need that. We  
19 need to get that done.

20 I also wanted to say to Mr. Beach, you  
21 know, thank you. You know, economic development,  
22 you know -- and, you know, that's the big thing for



1 tribes. We want to go there. We want economic  
2 development.

3 We want to live that American dream just  
4 like everybody else. You're coming from the private  
5 sector. Both of you guys come from the private  
6 sector.

7 That's what we have always been about is  
8 private sector, private sector. You know, like you  
9 said, get out of our way. We know best our nations.

10 We know what's best for our people, and  
11 we don't need to have that -- you know, that uncle  
12 looking over our shoulder all the time. You know,  
13 the great father in Washington looking over our  
14 shoulder all the time saying, you know, you need to  
15 do A, B, and C to get this done. Like, we have been  
16 running multi-million-dollar businesses for a long  
17 time now and, you know, we -- you know, treat us  
18 like a private sector.

19 You know, you don't to need to treat us  
20 as a child. So, again, thank you guys for your  
21 comments. Thank you for your leadership. That's  
22 what it takes. It takes leadership.

1                   That's what -- what happens in  
2 Washington all the time is always about somebody  
3 passing the buck. You know, we just need somebody  
4 to say we're going to get this done and I'm looking  
5 forward to working with you guys and getting the job  
6 done.

7                   So thank you.

8                   MS. ABBAS: Thank you. Any other TTAC  
9 member comments?

10                  Great. I'll turn to Assistant Secretary  
11 Kevin Salinger for follow-up.

12                  DEPUTY ASSISTANT SECRETARY SALINGER:  
13 Well, thank you for all your comments. Thank you  
14 for your leadership in this issue -- in these  
15 issues.

16                  I recognize the complexity of the work  
17 involved here and you've done your communities a  
18 great service in pushing this through and in seeing  
19 this through, and we're going to get it across the  
20 finish line. So thank you.

21                  MS. ABBAS: Thank you so much and thank  
22 you for attending the TTAC. Mr. Salinger has to

1 depart now but we're going to go next to updates by  
2 acting Principal Deputy Assistant Secretary of  
3 Indian Affairs Ken Bellmard with the Department of  
4 Interior.

5 DEPUTY ASSISTANT SECRETARY BELLMARD:

6 Thank you. Thank you for the opportunity to be  
7 here.

8 I would really be remiss if I didn't say  
9 how intimidated I am by this beautiful room here but  
10 I do appreciate the fact that Treasury has invited  
11 us from the Interior Department.

12 Just a little bit about myself. For 35  
13 years I was a tribal attorney. Ninety-four days ago  
14 I was sitting in my office in Kaw City, Oklahoma,  
15 representing my tribe, the Kaw Nation.

16 We're a small tribe in north central  
17 Oklahoma, the original inhabitants of the state of  
18 Kansas. So I think it's very important to  
19 understand.

20 I think that -- I believe that my  
21 appointment to this position shows the  
22 administration's belief in cutting red tape. For

1 example, my tribe, it took us 23½ years to get a  
2 piece of trust land.

3 So, you know, I bring this to the table.  
4 That really makes me mad. So why does it take the  
5 government so long to do something? So, you know,  
6 that's my attitude and I'm happy to hear that the  
7 other gentlemen here have that same attitude.

8 I do appreciate Fatima. She's already  
9 been over to our office a couple of times. We look  
10 forward to working with some of these -- on some of  
11 these issues.

12 Particularly, there's an issue with  
13 self-governance right now and some of the reporting  
14 that we would like to talk a little bit about, maybe  
15 cut through some red tape on some of the Treasury  
16 requirements on some of the reporting for self-  
17 governance.

18 And speaking of self-governance, you  
19 know, I'm the guy that's going around saying I want  
20 to supercharge self-governance and what I mean by  
21 that is I think in this day and age with tribes  
22 becoming more sophisticated and the idea of tribal

1 sovereignty, you know, it's time for the federal  
2 government to let go and let tribes be true  
3 sovereigns and exercise self-determination.

4           That's going to be a very important part  
5 of the administration's activities. Also related to  
6 the administration's activities related to Indian  
7 affairs we're undergoing reform of our probate  
8 system, and it's very important because the probate  
9 system is a way we can unlock land use, the way we  
10 can get leases for minerals development, oil and gas  
11 development, and if we can't get probate done in an  
12 efficient way we're going to have problems with  
13 that.

14           Right now we have a backlog, and I know  
15 you're going to gasp when I tell you this but 48,000  
16 probates are waiting to be done. That's 48,000.  
17 That's unacceptable. We're undertaking some  
18 programs to cut through that red tape.

19           Also, we're developing strike forces  
20 that we could send out into Indian Country to deal  
21 with these probate issues, oil and gas leasing  
22 issues, and as you all know, obviously, the tribal

1 leaders here we are undertaking these consultations  
2 related to a lot of the administration's activities.

3 And I might just want to say this. I  
4 know we have got criticized a little bit about how  
5 many things we're trying to put in those  
6 consultations but, you know, there's just so many  
7 things happening in the administration right now  
8 related to categorical exceptions, rights of way,  
9 things that will actually unlock some of our  
10 potential for minerals development and oil and gas  
11 development.

12 Also, we're working through some of  
13 these issues related to 105 leasing programs. I  
14 know one of the criticisms we have is we don't have  
15 enough people working on those. We are actually  
16 engaging some AI on that so we can deal with some of  
17 these things related to AI across the board.

18 A lot of the things we do in Indian  
19 Country are related to checklists, and rather than  
20 pencil and paper those I think we're living in a  
21 time where we could unleash more electronic  
22 activities related to those.

1 I was at an agency office about a month  
2 ago and actually they were still doing things with  
3 pencil and paper and that was very, very  
4 disconcerting to me.

5 But I think as we move forward our goal  
6 or my goal at least, and I believe it's shared in  
7 our hallway, is there's no reason for this red tape  
8 and I think what it's going to take, though, it's  
9 going to take a partnership with the Treasury  
10 Department and with the tribes to give us an  
11 understanding of what's keeping them back.

12 Is it us? Is it another agency? But as  
13 we go forward I would like to be part of the effort  
14 to develop these partnerships and move the ball  
15 forward on these things.

16 So I'll certainly try to take some of  
17 your questions but as I mentioned, you know, I'm new  
18 to this government service thing and it -- sometimes  
19 I feel like I've hit my head against the wall all  
20 day.

21 But, you know, I'm an old wrestler so  
22 that doesn't really bother me too much.

1 MS. ABBAS: Thank you so much for those  
2 comments. We'll turn to Chairman Ron Allen.

3 CHAIR ALLEN: Thanks, Fatima, and thank  
4 you, Deputy Assistant Secretary Ken Bellmard.

5 I want to say thank you for your  
6 commitment. Without a doubt self-governance is one  
7 of the vehicles that have moved into the 21st  
8 century in a way that provides efficiency.

9 We believe that if we transfer these  
10 federal functions, which seems to be a mission of  
11 this administration, to the tribes, we can conduct  
12 those activities and those functions more  
13 effectively and more efficiently as they're intended  
14 to serve our people in our respective communities.  
15 So we're very thankful to you for that.

16 One of the things that we do want to  
17 underscore is there are some opportunities that the  
18 administration could be advancing and probably in  
19 collaboration with Treasury is the Indian Trade Act  
20 is out there and needs to be updated.

21 It hasn't been updated since 1959 and  
22 there's no -- and it's about commerce in Indian



1 Country. And so there are opportunities there and  
2 we would encourage you to work with us and keep  
3 Treasury in the loop on how that legislation that is  
4 -- that comes from the 18th century can be moved  
5 into the 21st century in a way that makes sense for  
6 helping us build our economies and the tribes'  
7 capacity.

8 The other thing that we want to  
9 underscore with you is the ASAP, getting the funding  
10 to the tribes more timely. We understand the intent  
11 of the Executive Order 14 through 22 and its intent,  
12 but it has created a layering.

13 And so we had asked that you would look  
14 into that to try to improve the efficiency of  
15 getting those resources out to the tribes so that we  
16 can carry out those various functions whatever they  
17 are -- public safety, natural resources, and on down  
18 the line of the programs that we administer through  
19 the department.

20 So we look forward to working with you  
21 and we thank you for your leadership. We know that  
22 you're supercharging a self-governance concept and

1 it doesn't have to be just a self-governance  
2 vehicle.

3 Can be through 638 contracting. There  
4 are different ways of doing it but, regardless, it  
5 is about transferring those functions out to Indian  
6 Country so that we can get our job done.

7 Thank you.

8 MS. ABBAS: Thank you, Chairman Allen.

9 On the ASAP issue, just to confirm, we  
10 will elevate that to the Treasury Bureau of Fiscal  
11 Service and also work on their engagement with the  
12 Department of Interior on that request.

13 We'll go to other TTAC member comments,  
14 Chairman Ron Allen, and then Treasurer White Horse.  
15 I mean, sorry, Chairman Rodney Butler.

16 MEMBER BUTLER: I was like, whoa, you  
17 took away my hair.

18 MS. ABBAS: The seats are very close  
19 together.

20 MEMBER BUTLER: Thank you, Fatima.

21 You know, well, Chairman Allen was  
22 saying about the Indian Trade Act and how it hasn't

1    been updated in almost 65 years.  So we still have  
2    some years to go, I guess, I mean, by ways of the  
3    government operating itself.

4                   But I think that point is refreshing to  
5    what you were saying, Deputy Assistant Secretary, in  
6    that I actually -- I love the fact that you are a  
7    recovering tribal attorney, the Great Kaw Nation.

8                   You understand the challenges that we  
9    face as tribal leaders and as Indian Country just  
10   trying to build economic opportunities that really  
11   serve to provide support for our critical government  
12   services that we provide to our citizens.

13                  And so having that perspective at your  
14   level in Interior is very refreshing and exciting,  
15   quite frankly.

16                  And I think it will be put to the test  
17   quickly because one of the next steps in this  
18   process with these two regulations that we keep  
19   talking about with GWE and with the tribally  
20   chartered corps is that it will next go to Interior  
21   where it could get lost in bureaucracy.

22                  But understanding your wrestling in judo

1 skills I don't think it's going to happen. I think  
2 it's going to move through pretty quickly and we  
3 appreciate that.

4 Just looking at that as a test case to  
5 see how at Interior we can expedite regulation  
6 review, moving forward, largely speaking, and so I  
7 think it's a great early opportunity.

8 I just -- I love your background and  
9 what you bring to the table. So very excited about  
10 working with you.

11 DEPUTY ASSISTANT SECRETARY BELLMARD:  
12 Well, I might just add, you know, one of the things  
13 that always kills good ideas is just time.

14 So I would ask you all to take me to  
15 task. You know, if we're not moving as fast as you  
16 like give us a call and harass me. I won't take it  
17 in a negative light.

18 MS. ABBAS: Thank you. We'll go to  
19 Treasurer White Horse.

20 MEMBER WHITE HORSE: Thank you. I guess  
21 I'm going to be realistic. We have -- where our  
22 reservations are in the Great Plains region we were

1 put in the worst area possible, and I understand the  
2 push for self-governance and I understand that some  
3 tribes can do that.

4 But when you're funded at 13 to 40  
5 percent of what you should be funded at I don't see  
6 how anybody can go self-governance, especially if we  
7 don't have the infrastructure to support economic  
8 development or even to support everyday life.

9 We have water lines on our reservation  
10 that are older than I am. They're still made of  
11 wood and paper. We have homes on our reservation  
12 that have no water, no sewer, no electricity.

13 We have several places who don't have  
14 broadband. We actually made an investment with our  
15 NTIA project. We used -- under that project we used  
16 ARPA funds to purchase Starlink to provide internet  
17 to several of our families for their students to go  
18 to school during COVID.

19 We don't have access to phone lines in  
20 several of our communities. They're so remote, and  
21 pushing self-governance on tribes like mine that are  
22 very similar to all 16 tribes in my region is

1 ridiculous because if you're only getting 13 percent  
2 of the funding by BIA's own studies how do you  
3 expect us to take care of everything ourselves if  
4 we're not funded at a level that we should be?

5 I mean, I understand you want to do  
6 economic development but if we don't have water --  
7 we want economic development too, but if we're going  
8 to sell food we have to be able to provide water and  
9 sewer.

10 If we're going to have manufacturing we  
11 have to provide water and sewer, electricity and  
12 internet and we can't even do that for our people.

13 Under the 1868 treaty we were supposed  
14 to be provided housing, food, education, health  
15 care, and law enforcement. We were never provided  
16 adequately, never.

17 None of the tribes who signed the 1868  
18 treaty were ever provided enough -- barely enough to  
19 survive.

20 So before you supercharge self-  
21 governance I think you need to go to some of these  
22 tribes and see if they can actually support that

1 because tribes who are near metropolitan areas,  
2 tribes who are in areas that are more populated,  
3 maybe they can supplement their BIA funding to  
4 support themselves.

5 But tribes in our area in our region  
6 that are so remote that don't even have the basic  
7 needs, that don't even get the basic funding, it  
8 would be impossible for them to support themselves  
9 with self-governance.

10 All self-governance does to tribes like  
11 ours is take the federal government off the hook,  
12 the hook that you created through treaties. We need  
13 you to live up to your responsibility.

14 We gave up a lot. Our treaty was a  
15 peace treaty because our people were angry people,  
16 angry, and I think that we need to make sure that  
17 our people didn't die for nothing because right now  
18 that's what we get.

19 The kids in our schools are funded at  
20 \$6,000 per student per year. We can't charge tax  
21 but we can't apply for impact aid either.

22 The state schools near our reservation

1 or on our reservation they get impact aid. Their  
2 students are funded at \$25,000 per student per year.

3 Our students still go off and go to  
4 college or to the military and become doctors and  
5 lawyers and everything else but they don't come home  
6 because our minimum wage on our reservation is \$11  
7 an hour -- \$11 an hour. Our tribal council make  
8 \$50,000 a year. Our starting teacher salary is  
9 \$30,000 a year.

10 So we really do need economic  
11 development but we also need the federal government  
12 to live up to their responsibility and not just try  
13 to push it off on us.

14 Thank you.

15 MS. ABBAS: Thank you, Treasurer White  
16 Horse.

17 DEPUTY ASSISTANT SECRETARY BELLMARD:  
18 Well, your points are well taken and we need to  
19 understand what we can do for you and we need to  
20 understand what your needs are, and we need to  
21 understand how we can create a partnership to help  
22 you better.



1           So the only thing I can pledge to you is  
2 we'll certainly take into account what you tell us  
3 and we'll act on that.

4           MS. ABBAS: Thank you. We can take one  
5 last comment from first Vice President Will Micklin.

6           MEMBER MICKLIN: Thank you, and thank  
7 you, Mr. Bellmard, for your comments.

8           I'm hoping you can do two things at  
9 once. You can look at direct service and you can  
10 look at self-governance and self-determination.

11           Each tribe chooses their path. You  
12 know, for Central Council most of our communities  
13 are on islands inaccessible by road, only available  
14 -- only access by float plane or ferry or barge.

15           I can fly from San Francisco to  
16 southeast Alaska at about \$350. From one island to  
17 the other, next door, separated by channel it's  
18 \$800. In that -- those communities it's 80 percent  
19 unemployment.

20           So we have taken the path of self-  
21 governance and we are constrained because we don't  
22 have trust land. Our trust application was filed in

1 2010. Still unresolved over the passage of time  
2 because it wasn't approved.

3 The state has now sued us so we're in  
4 appeal on that. The tribe that I'm CEO for in  
5 southern California filed its application in 2000.  
6 Still pending.

7 So all I can say is that there is a  
8 complexity to Indian Country, that different tribes  
9 need different solutions. In Juneau we contracted  
10 to provide the interpretation services to the  
11 Mendenhall Glacier Visitor Center.

12 So we're doing it. We're telling our  
13 story because we got sick of going there and finding  
14 Park Service employees telling stories about us that  
15 just were not true.

16 Now we're telling our story. We're  
17 looking to submit applications for co-managing  
18 Tongass National Forest. That's named after my  
19 tribe, Tongass Tribe, Taant'a Kwaan people, and we  
20 can provide those services in place of the federal  
21 employee.

22 That's part of economic development is

1 standing in place of the federal employee with the  
2 tribal employee still fulfilling the standard for  
3 federal -- for the federal service but doing it with  
4 -- through the tribe.

5 I think it's important that we take a  
6 look at one of the successes recently was the  
7 Protect -- was the Progress Act and Chairman Allen  
8 was the chair of the negotiated rule making  
9 committee.

10 I follow Chairman Allen in that, and one  
11 of the -- some of the -- two of those questions that  
12 we just could not get resolved in the final rule was  
13 inherent federal function and the ability of tribes  
14 to make decisions that our federal partners can.

15 They thought that we couldn't do that.  
16 We can, we have, and we think this administration  
17 can take a look at that and get us over that final  
18 hurdle for Title I and Title IV compacts and  
19 contracts.

20 But in the final analysis there's two  
21 important things for economic development. One is  
22 land. We own a lot of feed land.

1           We own where tribes like Tlingit Haida  
2 own land but not in trust and we have to rely on  
3 allotments to exercise our jurisdiction.

4           We are challenged because that means  
5 that we are ineligible for any number of federal  
6 programs that are targeted toward trust lands or  
7 reservation lands that we don't have and we find our  
8 federal partners unwilling or unable to convey into  
9 trust those lands that would qualify us for those  
10 federal programs and also infrastructure.

11           We need infrastructure, as Treasurer  
12 White Horse said. Having land is one thing but if  
13 you don't have infrastructure on it, if you don't  
14 have good septic and well and road to it, and  
15 communications, whether it's through Starlink or  
16 through fiber, if you don't have that then you  
17 really can't have an economy.

18           And I say that because at Tlingit Haida  
19 as well as the tribe I'm CEO for substantially  
20 predominantly off grid to everything -- off grid.  
21 It's impossible to near impossible.

22           We have built economies but we can do so

1 much more if infrastructure is a part of it and we  
2 can be a part of the solution in finding the capital  
3 for it.

4 But we have to be enabled to be on the  
5 equal footing with public and private enterprises  
6 that can manage to find that capital because they  
7 are unburdened with some of the constraints and  
8 encumbrances that are imposed on us because -- only  
9 because we are tribes.

10 If we're on an equal footing we can do  
11 just as good a job in development. So I thank you  
12 for your attention to it. I really look forward to  
13 working with you, sir, on these questions.

14 MS. ABBAS: Thank you. I know Mr.  
15 Bellmard has to depart but we're going to turn to  
16 him for --

17 DEPUTY ASSISTANT SECRETARY BELLMARD:  
18 Yeah, yeah. I'd just like to -- I'm glad you  
19 brought up the inherent federal function issue.  
20 What I've asked our self-governance people is to  
21 take a look at that.

22 I think the last time that was really

1 looked at was in 1994 with what we all know is a  
2 legislative memo and we're -- I personally have  
3 asked them to go through that and I think inherent  
4 federal function is used too much to prohibit tribes  
5 from getting more money for these activities that  
6 they take over.

7 I know that might be a little  
8 controversial to people back in the office but, you  
9 know, I feel like that's one way we can unlock some  
10 things.

11 Now, related to some of the problems  
12 that you mentioned, you know, I think the way we  
13 deal with those some of those problems are --  
14 they're statutory.

15 They can't -- we can't solve them as,  
16 you know, a government agency and some of your  
17 problems, man, those problems -- we have to work  
18 together with Congress to deal with some of those  
19 and, you know, that's one of the things I would  
20 pledge to you that, you know, we have some ideas as  
21 how those things might work but our ideas aren't as  
22 good as your ideas but we certainly want to hear

1 those things.

2 MS. ABBAS: Thank you so much, Principal  
3 Deputy Assistant Secretary Ken Bellmard for joining  
4 us. I know you've got to depart.

5 So we'll turn next to Treasury and IRS  
6 updates. We'll first go to acting Tax Exempt  
7 Government Entities Commissioner Robert Choi.

8 ACTING COMMISSIONER CHOI: Thank you,  
9 Director Abbas.

10 And good afternoon, Treasurer Beach,  
11 Chairman Allen, and TTAC members. My name is Rob  
12 Choi. I am the acting commissioner for tax exempt  
13 and government entities in the IRS.

14 On behalf of the IRS commissioner side  
15 and as the division commissioner responsible for  
16 tribal matters I want to reiterate our commitment to  
17 continue collaborating with the TTAC to address tax  
18 matters of concern to Indian Country.

19 I also want to acknowledge the  
20 significant work done by the TTAC and the Office of  
21 Tribal and Native Affairs as we continue to work on  
22 tribal matters.

1           We have made progress but, of course,  
2       there is more for us to do and the IRS will continue  
3       to work on a government to government basis with  
4       tribal nations.

5           I would also like to acknowledge the  
6       statements made by Deputy Secretary Faulkender and  
7       Deputy Assistant Salinger and our commitment to  
8       supporting Chief Counsel and Treasury in working  
9       toward publishing the General Welfare Exclusion and  
10      tribally chartered corporations' final regulations.

11          With respect to GWE, I reaffirmed the  
12      IRS commitment to abide by the statutorily mandated  
13      exam moratorium for tribes and tribal citizens on  
14      GWE issues, and we are collaborating with TTAC,  
15      Treasury, and others within the IRS to ensure that  
16      the service continues to abide by the exam  
17      moratorium.

18          We are working to ensure that our  
19      internal communication and procedures continue to be  
20      clear on that matter, and we on the commissioner's  
21      side look forward to consulting with the TTAC on the  
22      statutorily mandated GWE training.



1           We also look forward to continuing to  
2 partner with Treasury, TTAC, and our offices across  
3 the IRS to improve services to tribal nations.

4           Through this work the IRS remains  
5 committed to continue strengthening our  
6 relationships with tribal nations to promote tax  
7 compliance.

8           Thank you.

9           MS. ABBAS: Thank you, acting  
10 Commissioner Choi.

11           Chairman Allen, do you have any follow-  
12 up comments?

13           CHAIR ALLEN: No, not a lot. Thank you,  
14 Fatima.

15           Our conversations that we had this  
16 morning with regard to the commitment -- excuse me,  
17 of finalizing the GWE regs is critically important  
18 and also the importance of -- as you're completing  
19 the recruiting that the kind of talent that's  
20 necessary for the Tribal Affairs Office to advise  
21 you and to address the many issues.

22           Recruiting somebody -- recruiting people

1 with tribal expertise is so important. So I know we  
2 have chatted about that but for the record I just  
3 want to say thank you that you understand and hope  
4 to fill some of those key positions to deal with the  
5 complex issues in Indian Country.

6 We appreciate your commitment. We  
7 appreciate your understanding of the complexity of  
8 it and the importance of getting the job done as  
9 well as the training of the agents that is so  
10 essential.

11 So we look forward to working with you  
12 and the rest of the team to get that job done.

13 Thank you.

14 MS. ABBAS: Thank you, Chairman Allen.

15 Any other TTAC member comments? Vice  
16 President Micklin?

17 MEMBER MICKLIN: So I just wanted to say  
18 in the public meeting my commendation to you,  
19 Director Choi, and the director of ITG Carmen Zucker  
20 for your assistance to tribes with some of the most  
21 problematic issues that are presented to us and  
22 which are problems to be resolved by your staff.

1           I know we impose on you with some which  
2     can be complex issues and trying to lean on you to  
3     help resolve those matters of great importance to  
4     us, whether it's to tribes or tribal entities or our  
5     tribal citizens.

6           We in our comments don't at all mean to  
7     suggest any criticism of you and your staff. You  
8     have been the solution for us, the -- really, the  
9     shoulder to lean on when we have the most dire  
10    issues that need resolution, and in what we are  
11    attempting to do is to voice our advocacy for  
12    resources to you and your staff that can help you  
13    deal with our imposition on you to resolve matters -  
14    - problems that are not of your origin but really  
15    rely on your staff to dig in and intervene where  
16    those questions arise.

17           So I just wanted to state publicly thank  
18    you. We support your actions and your staff, and we  
19    are hoping that good outcomes would mean more  
20    resources that would provide for relief for us and  
21    for continued support for you within the  
22    organization.

1                   So I just want to make sure that you  
2 hear loud and clear the thank you to you and your  
3 staff.

4                   MS. ABBAS: Thank you, Vice President,  
5 Micklin.

6                   Treasurer White Horse?

7                   MEMBER WHITE HORSE: Thank you. I want  
8 to echo a minute on what he was talking about.

9                   I really appreciate Carmen. She has  
10 been helping our tribe more than you know. There  
11 was one lady in our region and she took another  
12 position within ITG and moved to Chicago and she was  
13 never replaced.

14                  And our tax accountant within our tribe  
15 she was having issues and so she got in touch with  
16 Carmen. She's also one of my TAs for -- and she got  
17 in touch with Carmen and Carmen hooked her up with  
18 someone.

19                  So they're working pretty good. That  
20 someone is in Massachusetts and we are in South  
21 Dakota but they're working really good.

22                  And so if you could staff your ITG

1 offices closer to tribes that would be so great. It  
2 would help. It would help so much.

3 The other thing I want to bring up is  
4 something that has bothered me since I could read.  
5 I think it's time now that the IRS modernizes and  
6 corrects its guidance regarding the tax status of  
7 income earned by individual Indians from federal  
8 trust lands.

9 As the Department of Interior recognizes  
10 income derived directly from trust lands is not  
11 subject to federal income taxation, however, the IRS  
12 continues to rely on outdated, offensive terminology  
13 such as labeling tribal citizens as noncompetent  
14 Indians as a prerequisite to recognizing the tax  
15 exemption.

16 That's offensive to me and offensive to  
17 most native Americans that I know because I am not  
18 incompetent to take care of my own land.

19 So there needs to be a change in  
20 language, a change so it's not offensive to Native  
21 Americans, because when we talk about working  
22 together we should be respectful of each other and

1 if we can't be respectful of each other then what's  
2 the point of trying to work together?

3 So I would appreciate a change in  
4 language because it's not supposed to be  
5 noncompetent Indians. It should just be Indians.

6 You don't have to call us noncompetent  
7 to make us tax exempt because that's not the intent.  
8 You know, I remember stories from a Chairman John  
9 Still.

10 John Still was very outspoken and  
11 whenever he talked about noncompetent Indians it was  
12 because of the Allotment Act where all Native  
13 Americans were given allotments to become self-  
14 sufficient on, and Native Americans -- like, in our  
15 area we don't believe in ownership of land.

16 We believe that we're borrowing that  
17 land from our great grandchildren so we're supposed  
18 to take care of that.

19 And we were nomadic people so we moved  
20 around. When we were put on reservations and given  
21 allotments we didn't know that we had to pay taxes  
22 on them because when it was explained half of our

1 people didn't speak English anyway.

2           So the government started taking or the  
3 state started taking land, taking allotments. So  
4 half of our reservation is full trust, the other  
5 half is checkerboard because there was a county on  
6 the other half that wanted the land.

7           So every time a member was late on their  
8 taxes they would take it and they called them  
9 incompetent, and to me that's offensive because they  
10 didn't understand they had to pay taxes because we  
11 never had to pay for where we had to live in our  
12 history.

13           We moved to where we needed to be, and  
14 that wasn't explained to them.

15           So that needs to change. It can't be  
16 kept as noncompetent Indians just out of respect.  
17 So I guess my question to you is, can you commit to  
18 changing that for us? Because last meeting they  
19 said there would be a change and there wasn't.  
20 There hasn't been yet. So can you commit to that?

21           ACTING COMMISSIONER CHOI: So thank you  
22 for the comments. Thank you for raising this issue

1 of noncompetent Indians. I will commit to working  
2 with our colleagues to determine how we can move  
3 forward to address that concern, absolutely.

4 As I sit here now I don't know what  
5 might need to be done from a legal framework to  
6 change the term, and I think that as we move  
7 forward, I will engage in conversations to address  
8 that internally -- obviously, work towards solutions  
9 that would address the concern that you've raised  
10 here today.

11 MEMBER WHITE HORSE: I would appreciate  
12 that and I would also appreciate if you could, like,  
13 keep me in the loop and let me know where you are  
14 with this.

15 ACTING COMMISSIONER CHOI: Absolutely.  
16 We can provide updates, yes.

17 MEMBER WHITE HORSE: Okay. Thank you.

18 ACTING COMMISSIONER CHOI: Thank you.

19 MEMBER BUTLER: If I could just add.

20 I mean, Treasurer White Horse mentioned  
21 those are offensive. It's offensive to all of us  
22 and it is a commitment that's a carryover from the



1 prior administration.

2 I think there was disbelief when she  
3 first raised it and then actually had to show the  
4 example, and at that time there was that commitment  
5 to resolve that.

6 And as much as these regulations are  
7 important to us our respect is the utmost  
8 importance, and so the sooner that we can get that  
9 corrected -- I mean, this administration has gone  
10 through and taken a lot of words out of other  
11 policies that it wasn't in support of. I think we  
12 can do this one pretty quickly if we focus on it.

13 So we thank you for your effort there.

14 ACTING COMMISSIONER CHOI: Thank you for  
15 that and thank you for raising this issue as a  
16 matter of concern for all tribal nations and we'll  
17 certainly continue to have dialog internally about  
18 addressing that.

19 MEMBER BUTLER: Thank you.

20 MS. CAMILLO: And if I could speak out  
21 of turn.

22 The IRS Office of Chief Counsel is aware

1 of this issue and we have been researching the use  
2 of the word noncompetent and it, unfortunately, is  
3 embedded in our guidance going back decades, both  
4 formal and informal IRS guidance items, and we're  
5 researching that to determine its origin and  
6 meaning.

7 And this has included discussions with  
8 the Department of Interior related to their trust  
9 responsibilities as trustee of tribal and individual  
10 tribal member lands held on trust.

11 So we are looking into it. We're aware  
12 of it. We agree that it's very unfortunate.

13 MS. ABBAS: Thank you. Were there any  
14 other TTAC comments for the acting commissioner?

15 Great. We're just going to make one  
16 edit on the agenda. We were going to go next to the  
17 acting chief privacy officer but we do have two  
18 members of the Chief Counsel's Office that have to  
19 leave very soon so we'll take their updates and then  
20 I'll go back to the Commissioner's Office.

21 So on the Chief Counsel's Office, as  
22 you've heard today there's work proceeding on the

1 tribal entity guidance to finalize the proposed rule  
2 based off of tribal consultation feedback and the  
3 Tribal General Welfare Exclusion Act.

4 We're going to turn first to three teams  
5 that are working on the tribal entity guidance for  
6 updates and then the other team working on GWE.

7 So, first, we'll go to PTE. They will  
8 describe their acronyms so that you hear the right  
9 one but we'll go first to PTE Jeffrey Erickson.

10 MR. ERICKSON: Hi, I'm Jeff Erickson.  
11 I'm the associate chief counsel for Pass Throughs,  
12 Trusts, and Estates. That's what PTE stands for.

13 It's a successor organization to Pass  
14 Throughs and Special Industries, which was the  
15 organization that issued the proposed regulations  
16 dealing with wholly owned tribally chartered  
17 entities.

18 A little quick background for me. I  
19 spent the last 25 years or so in private practice.  
20 Before that I was in pass throughs in special  
21 industries and so for me this -- taking this role,  
22 which was in January of this year, is kind of like -

1 - a little bit like coming home and I am very  
2 privileged to be here and participate in my first  
3 meeting.

4 And on the -- finalizing the proposed  
5 regulations we have gone through all the comments,  
6 summarized all the comments. We appreciate all the  
7 comments we received.

8 We participated in the public hearing  
9 and we are marshaling through the project towards  
10 finalization as soon as possible.

11 We understand that it's important to the  
12 tribes to have that guidance package finalized as  
13 soon as possible and we are working with our other  
14 divisions and with the Office of Tax Policy to make  
15 that finalization come to fruition as soon as  
16 possible.

17 MS. ABBAS: Thank you. And next we'll  
18 go to ECE for their updates. Stephanie Bland will  
19 describe that acronym.

20 MS. BLAND: Good afternoon, everyone.  
21 As Fatima said, my name is Stephanie Bland.

22 I am the acting deputy associate chief

1 counsel in the Energy, Credits, and Excise Tax  
2 Division, and Jeff touched on this in his remarks  
3 but we are one of the two successor organizations of  
4 PSI, which split back in January, and ECE is  
5 responsible for, as the name suggests, energy and  
6 energy credits, business incentives, and excise  
7 taxes.

8           So with regard to the wholly owned  
9 tribally chartered corporation guidance, as numerous  
10 people have suggested here and as the TTAC members  
11 have touched on, the regulations have been out there  
12 for a long time.

13           It's been a work in progress for a long  
14 time. So I'm very happy that we were able to issue  
15 the NPRM last year.

16           ECE's team is focused on the comments  
17 related to the excise tax issues. There were some  
18 comments requesting clarity on that. We are also  
19 responsible for Section 6417 which is the direct pay  
20 piece.

21           And so, you know, as with Jeff and his  
22 team and Lynne with her team, we have spent a lot of

1 time over the past few months going through the  
2 comments, also looking at the public comments we  
3 received from the public hearing and also from the  
4 tribal consultation, and just sort of working  
5 through how we can best respond to those comments.

6 So we have made very good progress.  
7 We're having regular meetings with the rest of the  
8 teams and I think that, you know, things are very  
9 much on track to move forward with this.

10 MS. ABBAS: Thank you. Next we'll go to  
11 EEE, Lynne Camillo.

12 MS. CAMILLO: Hi, I'm Lynne Camillo.  
13 I'm the deputy associate chief counsel of EEE, or  
14 Employee Benefits, Exempt Organizations, and  
15 Employment Taxes.

16 We're responsible for legal issues  
17 relating to entities that are exempt from income tax  
18 including governmental entities such as Indian  
19 tribal governmental entities.

20 We have been assisting in the  
21 finalization of the regulations on entities wholly  
22 owned by Indian tribal governments. We have been

1 attending meetings with OTP, working with others on  
2 draft language.

3 We're working our way through all the  
4 comments. I want to thank everyone who submitted  
5 comments in response to the Notice of Proposed Rule  
6 Making.

7 The comments are such an important part  
8 of the regulatory process and they help us to  
9 achieve a better final product.

10 Specifically, we're working to address  
11 issues related to employment taxes and drafting  
12 language for inclusion in the final regulations.

13 The issue primarily relates to whether  
14 federally chartered corporations such as Section 3,  
15 Section 17, and wholly owned tribal entities will be  
16 treated separately as separate entities for  
17 employment tax purposes.

18 We're really looking forward to working  
19 with you in finalizing the regulation and coming up  
20 with a regulation that's legally correct in response  
21 to all your concerns.

22 MS. ABBAS: Thank you. And we'll go to

1 income tax and accounting for the general welfare  
2 update and then I'll turn to the TTAC.

3 MS. MEOLA: I am Karla Meola. I am a  
4 special counsel and income tax and accounting  
5 division of the Chief Counsel.

6 ITNA is the division with jurisdiction  
7 over Section 139E of the code and I'm a member of  
8 the 139E working group that is tasked with  
9 finalizing these regulations.

10 The NPRM was published last September in  
11 the Federal Register. A public hearing was held in  
12 January and a three-day consultation was held in  
13 November of last year.

14 We received lots of comments from the  
15 consultation process as well as the public hearing  
16 and NPRM process. The team is working our way  
17 through all the comments. We are making very good  
18 progress.

19 We're coordinating with other associate  
20 offices -- IRS and OTP and Fatima's office. I think  
21 we're making great progress and one of our next  
22 steps is actually -- which we have talked about I've



1 heard here several times -- is meetings with the GWE  
2 subcommittee, which are starting next week, and we  
3 look forward to those meetings.

4 During the NPRM process we found them  
5 extremely helpful to work through the comments and  
6 get a better understanding of some of the  
7 commentators' issues, and so we look forward to that  
8 in the future.

9 MS. ABBAS: Thank you, Karla.

10 And now we'll go to Chairman Allen and  
11 other TTAC members that have comments.

12 CHAIR ALLEN: Well, thanks, Fatima, and  
13 thanks for the update.

14 We look forward to reengaging next week  
15 to talk through the various recommendations that  
16 come through the tribal consultation. So we look  
17 forward to that.

18 In our past sessions we appreciate the  
19 openness and disposition towards hearing our  
20 perspectives of what the tribes are advising or  
21 encouraging.

22 So that's very helpful for us to bridge

1 what should it look like, how should we shape the  
2 language in each of the sections that address each  
3 of these respective topics.

4 So getting a copy of the summary if  
5 we're able to provide something along that nature,  
6 we have mentioned that informally but if you can get  
7 that to us earlier as much as possible.

8 It just helps us shape our observation  
9 of what the tribes are advocating so that we can  
10 engage, so we understand from your guys' perspective  
11 what's your concerns if there are concerns, and so  
12 that we can find a way to find the sweet spot, if  
13 you will, on what language works to address each of  
14 these subject matters or why we can't go in the  
15 direction that tribes are advocating for whatever  
16 reason so that we fully understand that, and that's  
17 -- I think that's going to be critically important.

18 So we want to say thank you to you, and  
19 we know that you've been working on it and so that  
20 you weren't just sitting on it for all these months  
21 that we have been waiting to reengage. So we thank  
22 you.

1 MS. ABBAS: Thank you. Chairman Butler?

2 MEMBER BUTLER: Yeah, I would just  
3 reiterate CFO Tucker's earlier points about the  
4 Tribal Economy Subcommittee. We are ready to work  
5 and we're excited about where we're at with the  
6 tribally chartered corporations and the briefing  
7 sessions, starting for the GWE, we are ready to get  
8 those started with the TTC -- their TCC as soon as  
9 possible.

10 I don't know, Fatima, what the  
11 scheduling process is for that. But like I said, I  
12 know CFO Tucker and I are ready to go yesterday with  
13 that.

14 And that was a much more straightforward  
15 reg as well and so it's pretty clean, and so it  
16 should be a simple one to move forward in advance.

17 MS. ABBAS: On that one we have received  
18 the internal approval from the Office of Tax Policy  
19 to begin the same process of rolling meetings as the  
20 issues become settled on the inside.

21 So just in terms of logistics I will  
22 work with the key Chief Counsel Office and OTP on

1 their schedule and then obtain the subcommittee  
2 schedule.

3 But we hope to begin planning for early  
4 June and it would be a series of meetings where  
5 there would be a briefing of the issue, the  
6 position, and TTAC feedback.

7 MEMBER BUTLER: Great. Thank you.

8 MEMBER TUCKER: I'm surprised that  
9 Chairman Allen didn't bring this up but we're  
10 involved with some of your colleagues across town in  
11 contract support cost negotiations, and we have had  
12 robust working group engagement and I know Chairman  
13 Allen is deeply involved in that.

14 And you learn a lot about those  
15 interactions, because you get to go back and forth  
16 and caucus and understand what the sticking points  
17 are and understand what the points of resolution  
18 are, and especially on the part that Chairman Butler  
19 was just referring to on the tax exempt entities  
20 that interaction, that process, has been missing.

21 It's been very present in the general  
22 welfare discussions and we leaned into that. We

1 encourage that and we think that's very productive  
2 on both sides just so that we each know where we're  
3 coming from, and sometimes not knowing where we're  
4 coming from it's hard for us to help the other side  
5 get to where they need to be.

6 So, again, I hate to keep repeating this  
7 but we're very, very much looking forward to the  
8 interactions.

9 MS. ABBAS: Thank you, CFO Tucker.

10 CHAIR ALLEN: If I may add, Fatima.

11 You know, the tribally chartered  
12 corporation is just not the norm for the corporate  
13 structure that you guys are normally used to, and  
14 it's very unique and it's tailored directly at the  
15 tribes to help the tribes become more self-reliant,  
16 help us build our economies.

17 And so it's a very unique tool that is  
18 unique to our government and so we're so different  
19 than state or local governments in terms of how we  
20 try to boost the economy around us.

21 And, you know, as you well know, we  
22 wanted to go down the trail of the partially owned

1 charter, you know, where we are able to incentivize  
2 investment in our communities and you weren't ready  
3 to go there. So this is a great first step.

4 And so I think that, from my  
5 perspective, get this first step done, get the  
6 comfort level in, identify where the problem is with  
7 the partially owned and let's fix that one as well.

8 So we're anxious to get this first step  
9 done, get it behind us, and then move forward.

10 Thanks.

11 MS. ABBAS: Thank you, Chairman Allen.

12 Any other TTAC member comments?

13 Vice President Micklin?

14 MEMBER MICKLIN: So just looking for a  
15 clue. So in the analysis for disaggregated entities  
16 that enjoy the tax status of its parent owner and  
17 with the question of potential or not pass throughs  
18 for excise or employment tax liabilities, is the  
19 nature of that analysis the authority in the statute  
20 or in jurisprudence in the structure of the entity  
21 not taxed?

22 And I say that implying that there's a

1 distinction between tax exempt and entity not taxed.

2           Is your analysis based on the  
3 authorities expressed or implied in those structures  
4 or is it more of a paradigm where you're beginning  
5 with a tribal -- as a tribe as a government not  
6 taxed and then extending it to -- that authority to  
7 its instrumentalities or subdivisions?

8           I'm not looking for any kind of  
9 discussion on it. Just what's the criteria? What's  
10 the starting point for your analysis and what is the  
11 incidence that you're looking for in that analysis?

12           MS. CAMILLO: I'm not sure I understand  
13 the question but I can try to help you understand  
14 how we arrived at the analysis.

15           I think the genesis of having the entity  
16 not subject to income tax is that it's not  
17 recognized as separate from the tribe.

18           It's sort of like an integral part of  
19 the tribe. The tribe isn't subject to income tax  
20 and then the entity is not recognized as separate  
21 from the tribe.

22           And when we looked at most of the

1 comments we did ask for comments of the NPRM on how  
2 excise taxes and employment taxes should be treated  
3 and most of the commenters seemed to prefer that the  
4 entity be treated as separate for employment tax and  
5 excise tax purposes in order to shield the tribe  
6 from liability.

7 And we have promulgated other  
8 regulations that -- you know, check the box  
9 regulations under Section 7701 that treat nontribal  
10 entities in a similar way, disregarded as separate  
11 from the owner but regarded as separate entities for  
12 employment tax and excise taxes. I don't know if  
13 that helps.

14 CHAIR ALLEN: If I might add.

15 So let me underline the point that we  
16 had made to you before. We have no reservations  
17 about reporting, you know, the revenue that we  
18 generate and how we cover our expenses and what kind  
19 of profit is generated, and these corporations are  
20 totally dedicated to the benefit of the tribal  
21 citizens.

22 That's what their focus is. It's very



1 similar to a nonprofit and so it's -- I guess, we  
2 want to make sure that as we're moving down the  
3 trail of what the -- how these regs will look and  
4 how they're guided if there's any audit, for  
5 example, that is relative to these various  
6 corporations that we establish we're already doing  
7 it now and -- I mean, across Indian Country.

8 So we just need to dot I's and cross T's  
9 here with regard to the IRS and get this regulation  
10 so it kind of cleans it up in terms of relationship.

11 So eventually -- like I said earlier,  
12 eventually we want to come back to you and tell us  
13 why we can't separate out the revenue that's  
14 generated by the nonprofit -- excuse me, the  
15 investor versus the tribe because the tribe is very  
16 clear in terms of it's for the benefit of our  
17 programs and functions that we do for our citizens.

18 So I'll leave it at that. Thanks.

19 MS. CAMILLO: Thank you.

20 MS. ABBAS: Thank you. Any other TTAC  
21 comments for the Chief Counsel's Office?

22 Great. We'll return back to our agenda

1 to go to the acting Chief Privacy Officer John  
2 Walker, who will be providing an update on recent  
3 child support legislation that was passed.

4 MR. WALKER: Thank you. Good afternoon,  
5 everyone.

6 As you know, I'm Jack Walker. I'm  
7 currently serving as the acting IRS chief privacy  
8 officer. I am honored to be here and I appreciate  
9 the TTAC putting me on the agenda.

10 Last year Kathleen Walters, who was the  
11 previous CPO, spoke to you about data and child  
12 support, specifically an issue to be resolved with  
13 our internal revenue code provisions that provides  
14 legal authority for data sharing.

15 I know she also spoke about our  
16 collaboration with the Office of Child Support  
17 Services and a proposed legislative solution  
18 introduced on the Hill.

19 They did the hard work and I'm here to  
20 say that I'm happy to report that the proposed  
21 legislative solution became law on January 4th,  
22 2025.

1           It amended not only 6103 but also 6402.  
2   That's the tax code's provision authorizing offsets  
3   of tax overpayments.

4           Support and leadership from the tribal  
5   child support agencies -- the National Indian Child  
6   Welfare Association, the National Tribal Child  
7   Support Association, the National Association of  
8   Tribal Child Support Directors -- were invaluable in  
9   achieving this historic change.

10          With plans approved by the Office of  
11   Child Support Services under the Social Security  
12   Act, tribal child support agencies are now equally  
13   authorized under law to make direct requests for  
14   data and offsets of tax overpayments and meet the  
15   security requirements for protecting data received.

16          Tribal child support agencies may still  
17   choose to enter into or continue existing contractor  
18   relationships with state child support agencies.

19          Section 6103 amendment now authorizes  
20   child support agencies to provide contractors with  
21   access to all data received. IRS staff are working  
22   hand in hand with colleagues at Treasury Office of

1 Tribal and Native Affairs, Bureau of Fiscal  
2 Services, and Office of Child Support Services on  
3 full implementation of this law change.

4 An important first step is for the  
5 Department of Treasury and Health and Human Services  
6 to complete their tribal consultation obligations.

7 Once those consultations are completed,  
8 staff from the agencies of both departments are in a  
9 position to begin outreaches to support tribal child  
10 support agencies.

11 For the IRS staff the support will  
12 involve education on the actions necessary to  
13 demonstrate the security requirements for protecting  
14 the data received under the law.

15 We're committed to this partnership and  
16 look forward to working with all of you to complete  
17 these next steps, and once again I want to thank you  
18 for including us on the agenda for this positive  
19 update.

20 So thank you.

21 MS. ABBAS: Thank you for that update.

22 Turning to Chairman Allen and other TTAC

1 members for any questions or comments.

2 CHAIR ALLEN: Thank you, Fatima. I  
3 don't have too many. I really appreciate the  
4 update. I have to admit I'm remiss.

5 I work very closely, as my colleagues  
6 do, with the National Indian Child Welfare  
7 Association. They're our lead, an entity that  
8 covers a lot of these issues that is so important to  
9 us.

10 But I'll just leave it at that. I think  
11 that I want to circle back. We'll probably engage  
12 with you because you provided us your contact  
13 information if there are other issues that we want  
14 to raise with you on this topic.

15 So but thank you very much. This is a  
16 very important issue for us in terms of protecting  
17 our kids and making sure that we're getting them  
18 placed in the right families, if you will. So thank  
19 you.

20 MS. ABBAS: Treasurer White Horse?

21 MEMBER WHITE HORSE: I want to say thank  
22 you. I was so happy whenever I was told that it was

1 passed because I pushed it so hard, and I really  
2 look forward to the consultations and I hope they  
3 begin soon because this is a very important step for  
4 single parents -- mothers or fathers -- because  
5 child support -- without child support some of us  
6 would not have been able to make it. So thank you  
7 very, very much.

8 MS. ABBAS: Thank you, Treasurer White  
9 Horse. I believe HHS has noticed their  
10 consultation.

11 We're working to put together the Dear  
12 Tribal Leader letter so it'll be in the IRS Treasury  
13 Bureau of Fiscal Service consultation but hope to  
14 have that for the summer.

15 Great. Well, thank you again for your  
16 participation and also for all of the IRS' work on  
17 that bill.

18 Next, we'll go to Krishna Vallabhaneni,  
19 who I think everyone knows, for the Office of Tax  
20 Policy to see if he has any additional updates.

21 MR. VALLABHANENI: Thank you very much.  
22 It's great seeing everybody.

1 I'm not going to take up a lot of time.  
2 We were lucky to have Kevin Salinger here, the  
3 deputy secretary here. They're really driving the  
4 policy and they're the ones whose orders I follow.

5 So you know where I'm coming from.  
6 We're going to try to get these rule makings out as  
7 soon as we can.

8 Looking forward in next weeks to get  
9 that collaboration going with the consultations with  
10 the subcommittees and happy to talk about anything  
11 you all want to talk about offline, right now,  
12 whatever. But great seeing you all.

13 MS. ABBAS: Thank you, Krishna.

14 And I just want to attest to how much  
15 Krishna has staffed his team to these projects.

16 There are multiple meetings every single  
17 week between the Office of Tax Policy and Chief  
18 Counsel's Office on the tribal entity rules that  
19 they've brought us in. So really appreciate the  
20 partnership.

21 I'll turn to Chairman Allen and TTAC for  
22 any comments.

1 CHAIR ALLEN: No, I just want to say  
2 thank you, Krishna. You've been with us day one and  
3 helping us move this agenda constructively forward.

4 No one knows the challenges that we have  
5 had on both of these draft regulations better than  
6 you and so I just want to say thank you and a shout  
7 out to you for your leadership and your full  
8 support.

9 MR. VALLABHANENI: It is definitely a  
10 team effort and you can see a lot of the team right  
11 here today with us and they've been here for a long  
12 time as well. So thank you for the comments.

13 MS. ABBAS: Thank you. Any other TTAC  
14 comments or questions?

15 Great. We'll next go to TTAC  
16 subcommittee updates where we will be turning it  
17 over to the TTAC committee co-chairs. So first  
18 we're going to go with General Welfare Exclusion  
19 Subcommittee, the co-chair --

20 CHAIR ALLEN: If I might --

21 MS. ABBAS: Oh, yes. Sorry.

22 CHAIR ALLEN: -- ask that we have two



1 appointments that I think we were going to try to do  
2 now, or were we going to do it after the reports?

3 MS. ABBAS: I think the plan was to do  
4 it while you do the --

5 CHAIR ALLEN: Provide the reports?

6 MS. ABBAS: Yes, but you can do it  
7 either way.

8 CHAIR ALLEN: Yeah, if you don't mind  
9 let's just get them out of the way.

10 So can we turn to Chair Carla Keene?  
11 She has an appointment that she'd like to make.

12 MEMBER KEENE: Thank you, Chairman.

13 I'd like to appoint Aurene Martin as my  
14 technical advisor, please.

15 MS. ABBAS: Thank you. Do we have a --  
16 I'll take that as a motion. Do we have a second?

17 MEMBER TUCKER: I'll second.

18 MS. ABBAS: All those in favor?

19 (Chorus of ayes.)

20 MS. ABBAS: Thank you. Motion passes.

21 CHAIR ALLEN: And I'd like to appoint  
22 Nicholas Lovesee as my PA.

1 MS. ABBAS: Thank you.

2 MEMBER BUTLER: Sure about that?

3 (Laughter.)

4 MEMBER TUCKER: I'll second that.

5 MS. ABBAS: All those in favor?

6 (Chorus of ayes.)

7 MS. ABBAS: Thank you. That passes.

8 CHAIR ALLEN: Nick, you need to shore up  
9 your support around here.

10 MS. ABBAS: Next, we'll go to the  
11 subcommittee updates. We'll turn to the co-chairs.  
12 The first subcommittee is General Welfare where  
13 Chairwoman Keene and Chairman Chief Allan are the  
14 co-chairs, so I'll turn to you both for updates.

15 MEMBER ALLAN: Good afternoon,  
16 everybody. My update is going to be quick. That's  
17 all we've been focused on is trying to get these  
18 across the finish line.

19 We're looking forward to next week  
20 working with the IRS to review all the feedback and  
21 roll up our sleeves and start tackling where we can  
22 have some agreement with and go through all these

1 tribal comments and get the ones that we can  
2 finalize, and we want to get this done as soon as  
3 possible.

4 So that's kind of what my update is for  
5 the subcommittee. That's what we've been focused on  
6 and working on and, again, I want to thank everybody  
7 for being here today.

8 After my colleague does her report I got  
9 to step out and I got to go catch a plane and I'm --  
10 you know, it's -- I don't want to get stuck in D.C.  
11 another night so --

12 MS. ABBAS: We don't blame you. Idaho  
13 is probably much nicer.

14 Chairwoman Keene?

15 MEMBER KEENE: Well, good afternoon. I  
16 am the newest member to TTAC, and I did not have the  
17 benefit of having to be able to participate in the  
18 consideration of the GWE regulations to this point  
19 but I did join the committee for a very important  
20 reason.

21 The General Welfare regulations are  
22 extremely important to Indian Country and to my

1 tribe, the Cow Creek Band of Umpqua Tribe of  
2 Indians.

3 Because of its importance I wanted to  
4 advocate for the speedy finalization of the  
5 regulations and I'm glad the process seems to be  
6 moving forward very quickly.

7 As I said earlier, our tribal citizens  
8 have been waiting for the state to know with  
9 certainty that the benefits that they have received  
10 or will receive from their tribes will not be  
11 penalized.

12 This brings me to the other point that  
13 I'd like to emphasize. We have been waiting for 11  
14 years for a regulatory guidance on the  
15 implementation of the General Welfare Exclusion Act  
16 and tribes have done the best they could to operate  
17 their individual GWE programs.

18 As such, we do not believe it would be  
19 equitable to retroactively audit tribes or take  
20 enforcement actions against them for actions that  
21 occurred prior to the regulations being finalized.

22 We'd like a commitment that that -- that

1 all enforcement for GWE will be prospective and will  
2 not reach back to the period during which we had no  
3 final regulatory guidance.

4 So with that, thank you, and I'll turn  
5 back for other comments.

6 MS. ABBAS: Thank you. We will make  
7 sure we elevate that comment to Treasury leadership  
8 and that was reflected in the consultation request,  
9 too.

10 Next, we will go to the Tribal Economies  
11 Subcommittee. The co-chairs our CFO Martin Tucker  
12 and Chairman Rodney Butler.

13 We will turn to you both for updates.

14 MEMBER TUCKER: I'll make a short  
15 comment or two. We talked about this. Our focus  
16 right now especially is on this guidance on tax  
17 exempt tribally formed entities. So I think  
18 everyone knows where we stand on that.

19 Not that we can only do one thing at a  
20 time -- that's our focus, and as quickly and as soon  
21 as we can get that accomplished and over the goal  
22 line we really want to dig into this partially owned

1 corporations, and Chairman Allen's already alluded  
2 to that, and there needs to be -- there needs to be  
3 a way to facilitate or at least have a guidance that  
4 everyone can look to and say there's the answer to  
5 that question because right now that's not possible.

6 Everyone has their separate opinion  
7 about what is or what isn't a tax exempt activity.  
8 And so that needs to be clarified and implementing  
9 guidance will do that clarification.

10 One great thing about being on TTAC is  
11 we get to get in each other's business. So I get to  
12 sit in on all the GWE consultations. I'll be quiet  
13 but I'm listening the whole entire time.

14 That -- again, that interaction has been  
15 great, okay, with that team, and maybe it's just  
16 because the tribally -- the exempt status of  
17 tribally formed corporations is so simple and so cut  
18 and dry maybe that's the case.

19 But we just haven't experienced that  
20 level of interaction and we're looking forward to  
21 that. We're looking forward to make sure that we  
22 understand what's about to happen so that when you

1 do say, well, this is what's always been our thought  
2 process and our path we don't want to be on the  
3 other side saying, well, I didn't know better -- I  
4 didn't understand that.

5 And so we're very much looking forward.  
6 I'm happy that that's been approved to enter into  
7 those consultations and, again, we stand ready to  
8 work closely with you as best we can for the  
9 betterment of Indian Country.

10 MS. ABBAS: Thank you.

11 Chairman Butler?

12 MEMBER BUTLER: CFO Tucker said it all  
13 so thank you.

14 MS. ABBAS: Thank you. We will  
15 definitely be striving to have a more interactive  
16 process and consistency between the processes for  
17 the tribal entity guidance. So that's definitely  
18 been heard by Office of Tax Policy leadership.  
19 Thank you.

20 And next we'll go to the Tribal Parity  
21 and Reform Subcommittee. The co-chairs are First  
22 Vice President Will Micklin and Treasurer Cora White

1 Horse.

2 We'll turn to you both for comments.

3 MEMBER MICKLIN: So as Treasurer White  
4 Horse and I discussed in our public testimony, we  
5 are continuing to look forward to our dialog with  
6 the service and with Treasury and with Department of  
7 Labor on the administrative moratorium, pending  
8 guidance on the essential government function, and  
9 commercial activities test.

10 The DOL and the service have joint  
11 authority in this matter and we for once enjoy in  
12 Code 21 U.S.C. 1204 the congressional intent for DOL  
13 and Treasury to collaborate on these issues of where  
14 they have joint authority.

15 So we're looking to bring that to the  
16 table and looking to, with the moratorium in place,  
17 have some discussion on the 5500 reporting under  
18 ERISA and clarifying those activities that I  
19 mentioned both governmental and commercial.

20 MEMBER WHITE HORSE: Just to go a little  
21 further on that, you know, I brought up earlier the  
22 Affordable Care Act and Section 4980H of the ACA



1 does not identify tribes as large employers.

2 That misclassification imposes costly  
3 and unjust burdens on tribal governments, forcing  
4 tribes to offer less beneficial, more expensive  
5 health plans and those available on the federal  
6 exchanges.

7 It undermines both tribal sovereignty  
8 and equity in access to health care, and that was a  
9 decision made here. It wasn't in the law. That was  
10 a decision made here.

11 Tribes are tribes. They're tribal  
12 governments. They may have several employees but  
13 they should not be classified as a large employer  
14 and that's part of the parity that we want.

15 We want to be equal. We want to be  
16 respected. So the classification as large employers  
17 under the ACA should be removed because we are a  
18 tribal government.

19 There's several things that we have been  
20 discussing and have been working on, and I know that  
21 sometimes I talk too much but I think that we need  
22 to communicate more so we can work together better

1 because we all represent different regions and all  
2 of our tribes are different.

3 The tribes in my region they're totally  
4 different from the tribes in Alaska and our tribes  
5 are totally different than the tribes in Oklahoma,  
6 and his tribe and our tribe are totally different  
7 than the tribes in Oregon.

8 We all have different laws, different  
9 needs, and different beliefs but we're all still  
10 Native American and we need to create some type of  
11 communication process so that way you can understand  
12 what we know and we can understand what you know.

13 And so I think there needs to be an open  
14 communication, especially since we are supposed to  
15 be advising you on Native American issues.

16 So if you ever have a question let us  
17 know and when we have a question you know we're  
18 going to let you know.

19 But thank you.

20 MS. ABBAS: Vice President Micklin?

21 MEMBER MICKLIN: Thank you. If I may  
22 follow up, and I think this is a pertinent segue to

1 Treasurer White Horse's comments in that CFO Tucker  
2 and Treasurer White Horse and myself were part of  
3 the work group working with the service in  
4 addressing a number of issues that we thought  
5 problematic and deserving attention of TTAC members  
6 including the Office of Indian Tribal Governments,  
7 the position in the org chart, the staffing  
8 resources, et cetera, et cetera, that we had  
9 mentioned.

10 We are very hopeful that we can continue  
11 those meetings so we can bring to the forefront, as  
12 Treasurer White Horse mentioned, bring to full  
13 discussion a number of those items and see if they  
14 can be resolved in the near term or if they need to  
15 be passed on to the TTAC full membership for further  
16 discussion and assignment to a relevant subcommittee  
17 if necessary.

18 But I'm really looking forward to the  
19 next discussion with the service in reflecting on  
20 what discussions we have had previously and bringing  
21 to the forefront those issues that need be further  
22 addressed.

1           So I just want to put a place holder on  
2           that for a next step.

3           MS. ABBAS: Thank you. I'll turn to the  
4           Commissioner's Office and Chief Counsel's Office if  
5           there's any follow-up comments.

6           ACTING COMMISSIONER CHOI: Sure. I  
7           thank you for that suggestion as to next steps with  
8           respect to that subgroup that had been meeting into  
9           the fall of 2024 and I think that some real progress  
10          was made in that subgroup.

11          I think we do need to have a  
12          conversation as to what the next steps will be in  
13          terms of whether that subgroup will continue on and  
14          what the focus will be of that subgroup versus  
15          whether or not it may be a more appropriate path to  
16          incorporate it into a larger TTAC conversation.

17          I think we can engage in that  
18          conversation offline and to see what's best, moving  
19          forward. So thank you for raising that.

20          MS. ABBAS: Thank you.

21          Did you have any follow-up?

22          MS. CAMILLO: I just have one follow-up

1 question on that 4980H matter. I'm just wondering  
2 what you all are seeing is the difference for --  
3 between government employees and applicable large  
4 employers, because any employer that employed an  
5 average of 50 or more full time equivalents in the  
6 previous year is an applicable large employer,  
7 government or otherwise.

8           So I'm just wondering. I don't think  
9 government employers are treated differently than  
10 any other employer. But how is that coming up?

11           MEMBER WHITE HORSE: That's coming up  
12 because our tribe is our treaty tribe and so there's  
13 a government obligation to provide health care  
14 already.

15           And so we have to use program dollars  
16 that were intended to support the programs to pay  
17 for the health care, which is already obligated to  
18 the federal government to pay for.

19           And I believe that the original authors  
20 are in this room and this -- it wasn't their intent  
21 to have tribes be treated as large employers rather  
22 than tribal governments.

1 MS. ABBAS: Okay, thank you.

2 Thank you to the subcommittee for those  
3 updates and Chairman Allen. Then the next item on  
4 the agenda is going into public comment. If there  
5 are any individuals in the room who would like to  
6 make comments you may come up to the microphone at  
7 the front.

8 MR. COLOMBE: Councilwoman? I'm sorry.

9 MS. ABBAS: Oh, that's okay, Jim. We  
10 don't see anyone in the room so we can go online  
11 and, James, you mentioned there's a tribal leader  
12 that would like to speak online?

13 MR. COLOMBE: Yes. Councilwoman Porter,  
14 please share your question.

15 MS. PORTER: Yes. Can you hear me?

16 MS. ABBAS: Yes.

17 MS. PORTER: Yes. Very good. Thank  
18 you.

19 First, I'm Odie Porter. I am a  
20 counselor with the Seneca Nation of Indians and I'm  
21 here on behalf of the Seneca Nation of Indians and  
22 Seneca Nation president J. Conrad Seneca.

1 I am the vice president of the Foreign  
2 Relations Committee. So thank you for the  
3 opportunity to present these comments today to the  
4 Treasury Tribal Advisory Committee and to the  
5 Treasury Department officials in attendance.

6 We are thankful that the new leadership  
7 of the Treasury Department is continuing the work of  
8 the TTAC to advise the Secretary on matters relating  
9 to the taxation of Indians.

10 This is what Congress intended when the  
11 General Welfare Exclusion Act was passed in 2014.  
12 We are glad to support the work of the Treasury  
13 Department and the TTAC in the administration of  
14 this important law.

15 The General Welfare Exclusion Act is one  
16 of the most significant laws ever enacted to protect  
17 Indian/Native people and the benefits provided to  
18 them by the tribal governments.

19 Every dollar of benefit that goes to  
20 help an elder with their health care or to support a  
21 native child attending daycare is a dollar spent to  
22 support Native lives and to promote the sovereignty

1 of our nations.

2 We must work to ensure the full  
3 protection of the General Welfare Exclusion Act as  
4 it is implemented. As we all know, over the last  
5 few years the Treasury Department and the TTAC have  
6 engaged in an effort to develop final regulations to  
7 implement the Act.

8 These are good draft regulations to  
9 support tribal government decisions to provide  
10 benefits to our people and to make sure that those  
11 benefits are not taxed by the IRS. That is what the  
12 law requires.

13 Our view is that the Treasury Department  
14 should at some point finalize these regulations to  
15 make sure that the future administrations and the  
16 IRS have rules in place to guide their actions.

17 However, there is a concern we have  
18 regarding the implementation of the Act. The Act  
19 says that there will be no audits of tribal  
20 government benefit programs by the Internal Revenue  
21 Service until, one, first, that the General Welfare  
22 Exclusion Act regulations are finalized, and two,



1 that the IRS agents conducting the audits of the  
2 tribal governments are first trained in principles  
3 of federal Indian law.

4 The regulations are near final and the  
5 Treasury Department must decide to move forward this  
6 year. But nothing has been done at this time to  
7 develop the process and substance of training for  
8 the IRS agents who will be conducting the audits.

9 We believe that the training program  
10 should first be developed before the regulations are  
11 finalized, and the development of this IRS agent  
12 training program should be subject to the tribal  
13 government consultation and formal notice and  
14 comment rulemaking before that happens. It cannot  
15 be forgotten that the Congress wanted the training  
16 to occur.

17 And so it is just as important to know  
18 the plan for how that will work as it is finalized -  
19 - to finalize the content of the implementing  
20 regulations.

21 Why are we concerned? In the worst case  
22 scenario we believe that it is possible that the

1 regulations will be finalized at any time but that  
2 the training program will not have been finalized.

3 Does this mean that the IRS can develop  
4 its own training program and self-certify that its  
5 agents have completed the program so that it can  
6 start its audits?

7 I don't have any doubt that the IRS  
8 wants to start auditing Indian tribes. Past  
9 practice indicates the risk of that and, of course,  
10 that is what the IRS and its agents are tasked to  
11 do.

12 To minimize the risk of surprise audits  
13 -- the surprise audits starting, we request that the  
14 TTAC should have a plan in place for IRS agent  
15 training prior to finalizing the regulations to  
16 implement the Act.

17 The second issue we would like to raise  
18 is the need to finalize the draft guidance developed  
19 to address the tax status of tribally chartered  
20 corporate entities.

21 This guidance has decades in the making  
22 and we support the finalizing of these regulations.

1 They're an important aspect of supporting Indian  
2 Country economic development.

3 On a related note, we question how the  
4 Treasury Department will implement President Trump's  
5 executive order to eliminate 10 regulations for  
6 every new regulation that an agency intends to  
7 adopt.

8 Does this executive order apply to the  
9 new regulations contemplated to develop the General  
10 Welfare Exclusion Act and the tribally chartered  
11 entities?

12 If so, is there concern that previous  
13 other Indian Country guidance could be affected in  
14 the search for 20 regulations to eliminate?

15 We ask for clarification of how this new  
16 regulatory direction from the President affects  
17 Native nations.

18 And, lastly, we'd like to encourage the  
19 TTAC's Tribal Economic Subcommittee to become more  
20 active.

21 Now is the time of a transition to the  
22 federal government, and with that transition there

1 are opportunities for the federal government to  
2 support greater self-governance and economic  
3 development of our nations.

4 We would like to work in cooperation  
5 with the TTAC and the Treasury Department officials  
6 to develop new policies and action plans to support  
7 the self determination of the Seneca Nation and all  
8 native nations.

9 (Native language spoken) and thank you  
10 for your time today.

11 MS. ABBAS: Thank you, Councilwoman.

12 I'll turn to the TTAC and then Treasury  
13 and IRS teams for any follow-up comments.

14 Chairman Allen?

15 CHAIR ALLEN: Thank you, Fatima.

16 Councilwoman Porter, I couldn't agree  
17 more. So I think that your comments and your  
18 recommendations are absolutely in sync with the  
19 recommendations that we have made throughout the day  
20 so and I can tell you that we will be moving  
21 forward, and I'll leave it to the committee members  
22 with regard to the comment with regard to economic

1 development and that recommendation.

2 But thank you. I appreciate your tribe  
3 has been very engaged with us from the very  
4 beginning and we appreciate your diligence to help  
5 us get these regulations done.

6 So we have completed with regard to the  
7 first step of the intent of the 2014 Act. I'll  
8 leave it at that, Fatima.

9 MS. ABBAS: Thank you.

10 I'll turn to the Commissioner's Office  
11 if there's any follow-up on the training comment.

12 ACTING COMMISSIONER CHOI: Sure. I will  
13 reiterate that we have pledged to work closely with  
14 TTAC members and tribal nations in terms of  
15 development of training and we will continue to  
16 maintain that posture as we move forward.

17 It is, obviously, critically important  
18 that we work collaboratively on the training aspects  
19 based on the final guidance and that we will not  
20 move forward in the absence of that training for any  
21 examination activity.

22 CHAIR ALLEN: If I might.

1           And thank you, Commissioner. I think  
2   it's going to be important for us that once we have  
3   finalized the training outline in the subject matter  
4   that that will be a part of that process as well as  
5   the schedule -- that we need to find a way to make  
6   it transparent so anybody like the Seneca Tribe or  
7   others want to inquire what was in the training and  
8   what is the schedule for all the different agents, I  
9   guess, regionally because they're spread out across  
10  the United States.

11           MS. ABBAS: Thank you for that follow-  
12  up. And just to confirm, the proposed rule does  
13  state that the audit suspension will not be lifted  
14  until the statutory training is completed so  
15  finalization of the rule is only one part. The  
16  audit suspension doesn't get lifted just because the  
17  rules are finalized.

18           And as you spoke, Councilwoman, the  
19  training is two parts, both of the IRS agents and  
20  the tribal finance agents. And so that will be a  
21  critical topic for tribal consultation and TTAC  
22  consultation. So thank you again for those

1 comments.

2 Krishna Vallabhaneni with the Office of  
3 Tax Policy?

4 MR. VALLABHANENI: Sure, and just wanted  
5 to address one of the points you made regarding the  
6 10 for one question.

7 I get this question a lot so -- but I  
8 hear it hasn't been sort of put forth the way it was  
9 asked and so I can definitely say that it's based on  
10 a department by department determination. It's not  
11 subject matter oriented.

12 So if I -- if we were to put out  
13 guidance on some new legislation on partnerships,  
14 for example, we wouldn't have to look to removing 10  
15 pieces of partnership guidance. It's determined on  
16 a department by department basis.

17 Thanks.

18 MS. ABBAS: Thank you, Krishna, for that  
19 clarification, and thank you again, Councilwoman.

20 James, do we have anyone else online  
21 that would like to comment?

22 MR. COLOMBE: You don't right now but

1 encourage people to raise their hand or submit a  
2 request in the chat if they'd like to make comments.

3 MS. ABBAS: Thank you, James. We'll go  
4 next to the other agenda items and if there are  
5 further public comments you can just let us know.

6 So, next, Chairman Allen is establishing  
7 the next public meeting date. The TTAC had  
8 discussed November.

9 I don't believe there's a specific date  
10 but I think the TTAC wanted to put this on the  
11 public's radar that the next TTAC meeting would be  
12 November.

13 CHAIR ALLEN: Well, thanks, Fatima.

14 And I know we coordinate with you and  
15 the treasurer because they're critical to these  
16 meetings and their schedule.

17 I can tell you this, from my perspective  
18 I have a bias to the second week in November if  
19 that's at all possible, and I know I personally am  
20 flexible during that week but the first week is a  
21 problem for me.

22 I am here in D.C. but I'm in a week-long



1 meeting with the Department of Interior budget.  
2 It's a big deal for us and I chair that meeting as  
3 well. So that's why it's a bit of a conflict.

4 MS. ABBAS: No problem. We'll work with  
5 the TTAC and then our colleagues at IRS and Treasury  
6 to set the next meeting.

7 But folks can at least reserve that it  
8 will be sometime in November of this year for the  
9 next TTAC meeting.

10 CHAIR ALLEN: Okay. Fair enough.

11 MS. ABBAS: And then next was just  
12 logistical approval of the minutes from the last  
13 September meeting. We just need a motion and a  
14 second.

15 MEMBER TUCKER: I'll move that we  
16 approve the minutes as presented.

17 MEMBER BUTLER: Second.

18 MS. ABBAS: All those in favor?

19 (Chorus of ayes.)

20 MS. ABBAS: The motion passes.

21 And I'm going to turn to Chairman Allen  
22 and then the treasurer to close us out.

1 CHAIR ALLEN: Thank you again, Fatima.

2 This has been a good day and, once  
3 again, a shout out to our new Treasurer Beach.  
4 Welcome him to the team, if you will.

5 We're looking forward to implementing  
6 these commitments, the proposed regulations, and all  
7 the different challenges that we have.

8 I think he gets it, because sometimes we  
9 re-plow the field of why we're trying to do what  
10 we're doing to strengthen our communities and  
11 strengthen our economies.

12 So the vision that he's also -- he's  
13 already articulated both from his own personal  
14 perspective, the Secretary's perspective, as well as  
15 the President, and we're on the same page.

16 So it's a matter of how we can keep  
17 moving this agenda and each of these components  
18 forward to get them done, and I will say it's never  
19 really done because we will have many other issues,  
20 as Will talks about the pension issue and other  
21 kinds of ways in which we can strengthen tribes'  
22 ability to enhance our economies and create jobs and

1 create better welfare for our American Indian and  
2 Alaskan Native communities.

3 Thank you.

4 MS. ABBAS: Thank you, Chairman Allen.

5 And I'll turn next to Treasurer Beach.

6 TREASURER BEACH: Well, thank you all  
7 for being here. Very productive day today. It was  
8 great to meet all of you all.

9 I think, Chairman Allen, you said it  
10 best, a team. Economic development is a team sport.  
11 It's going to take everybody around this table and  
12 in this room to participate to make sure we have  
13 success.

14 I will tell you, I've only been here  
15 three weeks but it's a fast pace and I know  
16 President Trump wants things to get done. We don't  
17 want to talk about it; we want to get things done.  
18 And so you'll be seeing things implemented very  
19 soon.

20 Just a little example is we're going to  
21 go -- we're getting rid of the penny and we're going  
22 to go to a different nickel to save money. The

1 nickel actually costs us \$.14 to produce and it's  
2 only worth five cents. That math doesn't work so we  
3 have got to make some changes.

4 So those are the kind of things that  
5 we're acting on quickly and we need to do the same  
6 here.

7 I would just challenge everybody around  
8 this table not just communicate, over communicate,  
9 because communication is key as we move forward to  
10 success so and that's what we want.

11 So and I want to thank our director  
12 here. Fatima, you did a great job, and she is a big  
13 advocate for you guys. So thank you very much and  
14 we'll see you in November.

15 But let's stay in touch and let's over  
16 communicate. Thank you very much.

17 MS. ABBAS: Thank you, all. Thank you  
18 to our Treasury and IRS colleagues, the tribal  
19 leaders online and in the room.  
20 And this meeting is adjourned. Thank you.

21 (Whereupon, the above-entitled matter  
22 concluded at 3:28 p.m.)

## 1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript was  
3 duly recorded and accurately transcribed under my  
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