



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

April 17, 2020

Sent via Electronic Mail

Hon. Steven Mnuchin  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220

Hon. David L. Bernhardt  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

RE: CALL FOR REMOVAL OF ASSISTANT SECRETARY OF INDIAN AFFAIRS TARA SWEENEY

Dear Secretary Mnuchin and Secretary Bernhardt,

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”) to call on the United States to immediately remove Ms. Tara Sweeney from her position as Assistant Secretary of Indian Affairs. Assistant Secretary Sweeney violated the United States’ solemn trust responsibilities owed to the Yakama Nation and all federally recognized Native Nations, including Alaska Native Villages, by advocating for CARES Act funding to be diverted to state-chartered Alaska Native Corporations. Her actions threaten to dramatically reduce COVID-19 response funding available under the CARES Act for Tribal Governments. For-profit state-chartered Alaska Native Corporations—of which Assistant Secretary Sweeney is a shareholder—are not Native Nations and should not be receiving funds set aside by Congress to support Indian Country during this pandemic.

The Yakama Nation is a sovereign, federally recognized Native Nation pursuant to the Treaty with the Yakamas of June 9, 1855. 12 Stat. 951. The Treaty obligates the United States, its agencies, and its officials to fulfill the trust obligations owed to the Yakama Nation in a manner that promotes the safety and wellbeing of the Yakama Nation and our People. The United States owes a similar trust obligation to the other 573 federally recognized Native Nations with whom the United States maintains a government-to-government relationship. The Department of Interior (“Interior”) is the principal federal agency entrusted with carrying out this trust fiduciary duty, and Interior’s special role and expertise in Indian Affairs enables Interior to play a unique role in advising other agencies

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within the federal family on matters that impact Indian Country. The Assistant Secretary of Indian Affairs is a key federal official in this process, charged with fulfilling the trust obligations in a manner that results in the best outcomes for Native Nations and their People. Assistant Secretary Sweeney has undermined that trust responsibility, placing her personal interests before those of Native Nations through her recent self-serving advocacy to the Department of Treasury regarding CARES Act Relief Funding.

The CARES Act is clear that Tribal Governments, and not state-chartered corporations, are eligible for distributions of relief funding. The CARES Act established a Coronavirus Relief Fund in the amount of "\$8,000,000,000 . . . for making payments to Tribal Governments." See CARES Act, Title V, § 5001 (amending the Social Security Act § 601(a)(B)(2)). The term "Tribal Governments" is defined as "the recognized governing body of an Indian Tribe . . ." See Social Security Act § 601(g). These governing bodies are listed each year in the federal register and include numerous Alaska Native Villages; not state-chartered Alaska Native Corporations. See 85 Fed. Reg. 5462, 5467 (Jan. 30, 2020). Simply put, the Yakama Nation meets this definition, and state-chartered Alaska Native Corporations do not.

Including state-chartered Alaska Native Corporations will unfairly result in the double or triple counting of Alaska Natives for coronavirus relief funding, thereby diminishing the representation of every enrolled Yakama Member in the CARES Act relief efforts. Each Alaska Native will be properly counted as an enrolled Member of their Alaska Native Village, but will erroneously be counted a second time for Alaska Native Village Corporations, and erroneously counted a third time for Alaska Native Regional Corporations. As the National Congress of American Indians pointed out in their April 13, 2020 letter to Secretary Mnuchin on the same subject, many of these state-chartered corporations do not even work well with federally recognized Alaska Native Villages. This is simply a money grab by non-governmental entities that will directly benefit Assistant Secretary Sweeney, but will injure Native Nations across Indian Country in our fight against the coronavirus pandemic.

Assistant Secretary Sweeney's malfeasance is also evident in the land base information collected by Treasury and Interior for purposes of distributing coronavirus relief funds. The definition of "land base" was limited to land held in trust, restricted fee, and fee status by a Tribe in direct contravention of the widely accepted definition of "Indian Country," which would include all land within a Reservation regardless of ownership status, as well as all



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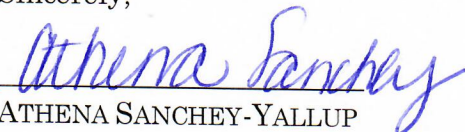
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off-Reservation trust allotments. *See* 18 U.S.C. 1151. Assistant Secretary Sweeney's "land base" definition excludes trust lands and fee lands owned by Yakama Members, and non-Indian owned lands, all of which receive services from the Yakama Nation. At the same time, she included within the definition of "land base" all 45 million acres of land selected pursuant to the Alaska Native Claims Settlement Act, which is not Indian Country and can only have been included to disproportionately favor state-chartered Alaska Native Corporations. *See Alaska v. Native Village of Venetie*, 522 U.S. 520 (1998).

While Assistant Secretary Sweeney works with Alaska Native Corporations to line the pockets of corporate shareholders, including herself, the Yakama Nation is facing a crisis unlike any we have seen in more than a century. We instituted a declaration of emergency and activated our emergency response plan. Our Yakama Reservation and off-Reservation trust allotments are under a "Stay Home, Stay Healthy" Order until further notice, and we have recommended limitations on our traditional ceremonies and funerals. The Yakama Legends Casino and Hotel closed to the public weeks ago, as did our Yakama Forest Products. Without broad taxing authority, we rely on these economic engines to provide for our People and to fund the essential services that our Yakama Nation Government offers. We have lost the economy that we rely on to meet the basic needs of our elders, our children, our homeless, and all of our Yakama Members. Assistant Secretary Sweeney's actions directly threaten our ability to continue providing these essential services.

The Yakama Nation therefore calls on the United States to immediately remove Assistant Secretary Sweeney from office, and to stop all further attempts to misinterpret the CARES Act to allow state-chartered Alaska Native Corporations to receive coronavirus relief funds. These funds were intended for Tribal Governments. The United States publishes a list of Tribal Governments in the Federal Register each year. Use the list.

Sincerely,

  
ATHENA SANCHEY-YALLUP  
EXECUTIVE SECRETARY  
YAKAMA NATION TRIBAL COUNCIL

CC: Tara Sweeney, Assistant Secretary of Indian Affairs

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