

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

April 15, 2020

The Honorable Steven Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

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

Dear Secretary Mnuchin and Secretary Bernhardt:

On behalf of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes), I am strongly against the proposed actions of the Department of the Treasury and the Department of the Interior to allow Alaska Native Corporations (ANCs) to be eligible for the Coronavirus Relief Fund (CRF) under Title V of the CARES Act. We support funding for Alaska Native village tribal governments included on the Interior Department's list of federally recognized tribes eligible to receive federal services. Treasury and BIA must not include state chartered Alaska Native Regional and Village Corporations under Alaska Native Claims Settlement Act (ANSCA) as Tribal governments under the CARES Act. To include ANCs in a relief fund to provide economic stabilization to governments would set a dangerous precedent that will have greater negative implications beyond the CARES Act; including, but not limited to, the delivery and fulfillment of trust and treaty obligations across the federal government. Such an action by this Administration would be an affront to our Tribal sovereignty and stand in violation of our sovereign-to-sovereign, government-to-government, nation-to-nation relationship with the United States.

Although ANCs are referenced in the first part of the definition of Indian tribe set forth in the Indian Self-Determination and Education Assistance Act (ISDEAA), ANCs do not qualify as Indian Tribes because they are not eligible for the special programs and services provided by the United States because of their status as Indians. Only those entities listed on the Interior Department's annual List of Indian entities recognized by and eligible to receive services from the United States Bureau of Indian Affairs, most recently published on January 30, 2020, come within the definition of Indian tribe under the ISDEAA.

Construing the ISDEAA definition of Indian tribe to include ANCs completely misconstrues Congress' intent in the CRF and represents a misreading of the ISDEAA itself. Worse,

distribution of crucial relief funds for tribal governments would be shortchanged by having these funds distributed to entities that provide no governmental services or benefits to tribal members. Furthermore, this would allow for **double or triple counting** of Alaska Natives due to the fact that there are three layers for each Alaska Native village: federally-recognized Alaska Native village Tribal government; Alaska Native Village Corporation; and Alaska Native Regional Corporation. However, only the tribal governmental entity provides tribal members governmental services and benefits.

It would be improper to include ANC's as Tribal governments in the CRF allocation formula because the crucial need and delivery mechanisms are with the Alaska Native Tribal governments not the ANC's. As the Alaska Native Claims Settlement Act (ANCSA) makes clear: *Alaska Native Regional Corporations and Alaska Native Village Corporations are state chartered, stockholder-owned corporations, held by Alaska Natives. They are not Tribal governments* nor arms of tribal governments and should not be permitted to unfairly benefit from funds appropriated for tribal governments. In contrast, Alaska Native tribal governments are Indian Tribes and Tribal governments recognized by the Secretary of the Interior, as such, under the Federally Recognized Tribe List Act of 1994.

For these reasons, we strongly urge that ANC's be excluded from the distribution formula for the CRF.

Sincerely,

A handwritten signature in blue ink that reads "Tino Batt". The signature is written in a cursive, flowing style.

Tino Batt, Chairman
Fort Hall Business Council
Shoshone-Bannock Tribes

cc: Senator Mike Crapo
Senator Jim Risch
Rep. Mike Simpson