



UNITED *for* OKLAHOMA

April 22, 2020

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

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

Re: To Ensure that the Coronavirus Relief Fund is Disbursed to Tribal Governments in Oklahoma

Dear Secretary Mnuchin and Secretary Bernhardt:

We write on behalf of the undersigned Tribal Nations in Oklahoma to urge the Department of the Treasury to distribute relief dollars Congress set aside for Tribal governments at § 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act *solely and exclusively* to Tribal governments. By incorporating to the CARES Act the definition of “Indian tribes” provided at 25 U.S.C. § 5304(e), Congress intended only Tribal entities “eligible for the special programs and services provided by the United States to Indians because of their status as Indians” to receive these Federal dollars. This eligibility criteria is precisely Congress’s direction to the Department of the Interior when it publishes its annual list of recognized Tribes, i.e., “all Indian tribes . . . eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” 25 U.S.C. § 5131(a), Pub. L. 103-454, 108 Stat. 4791 (Nov. 2, 1994). To depart from this criteria would disregard Congress’s intent in the CARES Act and undermine the allocation of needed aid to Tribal governments.

We understand some have advised that Alaska Native Corporations (ANCs) should be viewed as “Indian tribes” for purposes of Coronavirus Relief Act distributions. They are wrong. State-chartered, for-profit Alaska Native Corporations are neither tribal governments nor has the Department of the Interior included them among the 574 recognized entities eligible to participate in programs directed to Tribal

peoples. E.g., Notice, Dep't of the Interior Bureau of Indian Affairs, 85 FED. REG. 5462 (Jan. 30, 2020).¹ The Department of the Interior released its most recent list of recognized Tribal entities only three months ago, and it listed no ANCs at that time. Now, however, with billions in Federal aid now available for struggling Tribal governments, some advocate for inclusion of these privately held corporations. The Department of the Interior did not include those corporations previously, and to do so now through implementation of the Coronavirus Relief Fund would be to ignore the law and do manifest injustice to Indian country.

Recognized Tribal governments are on the front line in the COVID-19 struggle, both in providing public health services and in mitigating adverse economic impacts for our members and employees. In Oklahoma, for example, Tribal governments operate COVID-19 testing centers, food banks, and expanded health services programming even as they have suspended the Tribal gaming operations that provide the revenues to support our programs and services. What is more, despite these closures, we continue to pay our thousands of employees to avoid adverse impacts in their lives as well as to safeguard the Federal and State safety nets that would otherwise be strained by increases in unemployment. These are precisely the sort of Tribal government actions Congress intended to support with its creation of the Coronavirus Relief Act, and dilution of the aid for Tribal governments by distributions to privately held corporations would risk failure of this desperately needed program..

We call on you to act in accord with Congress's intent and ensure the Coronavirus Relief Fund aid is directed to Tribal governments *only*. To that end, we call on you to reject calls to include ANCs in distributions from this fund. Congress made numerous CARES Act programs available for privately held corporations, and each of those appears available for the ANCs. The beneficial impact of the Coronavirus Relief Fund, however, should not be diluted by distributions based on a loose and erroneous understanding of both the law and of Tribes.

We accordingly and respectfully ask that you implement the CARES Act's Coronavirus Relief Fund in a manner that fulfills Congress's goal of directing resources to Tribal sovereigns that are working to contain and mitigate COVID-19's public health and economic threats.

Sincerely,

¹ Available at <https://www.federalregister.gov/documents/2020/01/30/2020-01707/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of> (last accessed Apr. 20, 2020).

John R. Johnson

John R. Johnson, Governor, Absentee-Shawnee
Tribe of Indians of Oklahoma

Nelson Scott Harjo

Nelson Scott Harjo, Chief, Alabama-Quassarte Tribal Town

Kristopher Killfirst

Kristopher Killfirst, Vice-Chairman, Apache Tribe of Oklahoma

Tamar Michele Francis Fourkiller

Tamar Michele Francis Fourkiller, Chairperson,
Caddo Nation of Oklahoma

Chuck Hoskin, Jr.

Chuck Hoskin, Principal Chief, Cherokee Nation

Reggie Wassana

Reggie Wassana, Governor, Cheyenne and Arapaho Tribe

Bill Anoatubby

Bill Anoatubby, Governor, Chickasaw Nation

Gary Batton

Gary Batton, Chief, Choctaw Nation of Oklahoma

John Barrett

John Barrett, Chairman, Citizen Potawatomi Nation

Deborah Dotson

Deborah Dotson, President, Delaware Nation

Glenna Wallace

Glenna Wallace, Chief, Eastern Shawnee Tribe

Lori Gooday Ware

Lori Gooday Ware, Chairwoman, Fort Sill Apache Tribe of Oklahoma

Edgar B. Kent Jr.

Edgar B. Kent Jr., Chairman, Iowa Tribe of Oklahoma

Lynn Williams

Lynn Williams, Chairwoman, Kaw Nation

David Pacheco Sr.

David Pacheco, Chairman, Kickapoo Tribe of Oklahoma

Douglas Lankford

Douglas G. Lankford, Chief, Miami Tribe of Oklahoma

David W. Hill

David W. Hill, Principal Chief, Muscogee (Creek) Nation

Geoffrey M. Standing Bear

Geoffrey M. Standing Bear, Principal Chief, Osage Nation

Ethel E. Cook

Ethel E. Cook, Chief, Ottawa Tribe of Oklahoma

Craig Harper

Craig Harper, Chief, Peoria Tribe of Indians of Oklahoma

John Berrey

John Berrey, Chairman, Quapaw Tribe of Oklahoma

Justin F. Wood

Justin F. Wood, Principal Chief, Sac and Fox Nation

Gregory Paul Chilcoat

Gregory Paul Chilcoat, Chief, Seminole Nation of Oklahoma

William L. Fisher

William L. Fisher, Chief, Seneca-Cayuga Nation



Ben Barnes, Chief, Shawnee Tribe



Russell Martin, President, Tonkawa Tribe of Indians of Oklahoma



Terri Parton, President, Wichita and Affiliate Tribes
(Wichita, Keechi, Waco & Tawakonie), Oklahoma



Billy Friend, Chief, Wyandotte Nation