



# Choctaw Nation of Oklahoma

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Submitted via email to: [exsec@ios.doi.gov](mailto:exsec@ios.doi.gov)

The Honorable David L. Bernhardt  
Secretary  
U.S. Department of the Interior  
Mail Stop 6612, Main Interior Building  
1849 C Street, NW  
Washington, DC 20240

RE: Contrary DOI Administrative Restrictions Applied to CARES Act Funding for Self-Governance Tribes

Dear Secretary Bernhardt:

On behalf of the Choctaw Nation of Oklahoma (Nation), I am writing to request that the Department of the Interior (DOI) honors the statutory right of the Nation to reallocate funds that were appropriated in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. No. 116-136. The Nation has operated under a Self-Governance Compact and Multi-Year Funding Agreement with the DOI for 25 years.

On April 13, 2020, DOI issued a “Dear Tribal Leader Letter” (DTLL) to announce its decision, without having conducted Tribal consultation, as to how it would disburse funds authorized under the CARES Act to Tribal governments through its Aid to Tribal Government Program (\$380 million) and its Welfare Assistance Program (\$20 million). One ‘informational only’ call was held a few days later without the opportunity for Tribal Leaders to speak. The DTLL further stated that funds must be used “within the allowable confines of the program, function, service, or activity (PFSA) in which they are received.”

The CARES Act does not require that funds must only be used within the confines of these two programs that were administratively selected. Rather, Congress appropriated \$453,000,000 to the DOI, Indian Affairs, Bureau of Indian Affairs to prevent, prepare for, and respond to coronavirus in Tribal communities. Congress designated that these funds can be used for public safety and justice programs, executive direction to carry out deep cleaning of facilities, purchase of personal protective equipment, purchase of information technology to improve teleworking capability, welfare assistance and social services programs (including assistance to individuals), and assistance to Tribal governments.

Title IV of the Indian Self-Determination and Education Assistance Act significantly expanded the right of Tribal governments administering programs under a Self-Governance Compact to determine how program funds should be used to address the health and welfare of their communities, as long as the Congressional requirements of such funds are met. Further, Title IV prescribes that the Nation is not required to abide by "...program manuals, guidelines or policy directives of the Secretary, unless otherwise agreed to by the Nation or otherwise required by law." 25 U.S.C. §450(c) Section 1(b)(11) The appropriation to BIA under the CARES Act includes no such limitations upon the Nation.

We request that DOI provides clarification that the "requirement" outlined in the April 13, 2020 DTLL does not limit the statutory right of the Nation to reallocate the funds to any programs and activities authorized by the applicable provisions of the CARES Act. Any additional administrative restrictions go beyond the CARES Act and are contrary to the Self-Governance tenets.

Further, we ask that you give this matter your immediate attention since the purpose of the CARES Act funding is to provide timely relief from the coronavirus impacts to Tribal governments and our citizens. Thank you for your ongoing partnership to improve the safety and well-being of our Tribal communities, particularly during this trying time. Should you have any questions or need additional information, please contact Melanie Fourkiller, Office of Self-Governance, at [mfourkiller@choctawnation.com](mailto:mfourkiller@choctawnation.com) or (918) 453-7338.

Sincerely,



Gary Batton, Chief  
Choctaw Nation of Oklahoma

cc: The Honorable Tom Cole, Co-Chair, House Native American Caucus  
The Honorable Deb Haaland, Co-Chair, House Native American Caucus  
The Honorable Tara Mac Lean Sweeney, Assistant Secretary-Indian Affairs, DOI  
Mark Cruz, Deputy Assistant Secretary-Indian Affairs for Policy and Economic Development, DOI  
Sharee Freeman, Director, Office of Self-Governance, DOI  
Jeanette Hanna, Associate Deputy Bureau Director, Office of Indian Services, BIA