



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**SEP 15 2020**

The Honorable W. Ron Allen  
Tribal Chairman/CEO, Jamestown  
S'Klallam Tribe  
1033 Old Blyn Highway  
Sequim, Washington 98382

Dear Chairman Allen:

Thank you for your letter dated May 29, 2020, requesting the ability to reallocate funds that were appropriated in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, Division B, Title VII.

Upon further legal review and discussion, it has been determined that the direct tribal funding issued under Division B, Title VII of the CARES Act to the two Tribal Priority Allocation (TPA) funding lines may, in fact, be reprogrammed to other lines contained in a Self-Governance Funding Agreement for use consistent with the purposes outlined in Division B, Title VII of the CARES Act. Indian Affairs created these two CARES Act TPA funding lines, CARES Act Aid to Tribal Government and CARES Act Welfare Assistance, in an effort to allow tribes greater flexibility to prevent, prepare for, and respond to coronavirus in Tribal communities.

Division B, Title VII of the CARES Act does identify a non-exhaustive list of activities that achieve the purposes of coronavirus prevention, preparedness and response, including the use of funds 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 telework capabilities, welfare assistance and social service programs (including assistance to individuals), and assistance to tribal governments. The establishment of a tribal protocol that determines what are appropriate services and tracks Division B, Title VII of the CARES Act funding use to address exigent and emergency circumstances predicated by COVID-19 is something that all tribes should consider putting in place to properly document expenses for audit purposes.

As for the information outlined in the April 13, 2020, Dear Tribal Leader Letter regarding Self-Governance Tribes have the ability to request a waiver of regulations pursuant to 25 C.F.R. 1000 Subpart J, so long as the requested waiver is not prohibited by Federal law.

In July 2020, to further assist tribes and tribal program staff in understanding how the Department of Interior (Department) will track and conduct oversight of these emergency funds the Bureau of Indian Affairs and Office of Self-Governance developed and published a Frequently Asked Questions (FAQ) guide. The FAQ can be access at the following web link:

<https://www.bia.gov/covid-19/cares-act>

Finally, we understand your frustration with the lack of robust consultation surrounding the release of these funds, but based on the urgent circumstances and need to distribute Division B, Title VII of the CARES Act funds to Tribes, the Department was not able to consult in a more comprehensive way.

Thank you for your continued interest in Indian Affairs' and we look forward to working with you and the Self-Governance Advisory Committee to address any further tribal concerns during the COVID-19 pandemic.

Sincerely,



Tara Sweeney  
Assistant Secretary—Indian Affairs

cc: The Honorable Tom Cole, Co-Chair, House Native American Caucus  
The Honorable Deb Haaland, Co-Chair, House Native American Caucus