

DOI SELF-GOVERNANCE ADVISORY COMMITTEE

c/o Self-Governance Communication and Education

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May 29, 2020

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 Self-Governance Advisory Committee (SGAC), I am writing to request that the Department of the Interior (DOI) honors the statutory right of Tribal Nations who define their relationship with the Federal government through Self-Governance Compacts to reallocate funds that were appropriated in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. No. 116-136.

On April 13, 2020, DOI issued a "Dear Tribal Leader Letter" (DTLL) to announce that it decided, without Tribal consultation, 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. We request that DOI provides clarification that the “requirement” outlined in the April 13, 2020 DTLL does not hinder the right of Self-Governance Tribal governments 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 relief from the coronavirus impacts to Tribal governments. If you would like to discuss further, please contact Jay Spaan, Executive Director, Self-Governance Communication and Education Tribal Consortium at 918-370-4258 or jays@tribalselfgov.org. Thank you.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Klallam Tribe
and Tribal Chair for the Self-Governance Advisory Committee

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 for Policy and Economic Development,
Indian Affairs, DOI
Sharee Freeman, Director, Office of Self-Governance, DOI
Jeanette Hanna, Associate Deputy Bureau Director, Office of Indian Services, BIA