



Self-Governance Communication & Education Tribal Consortium

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Sent electronically kolan_davis@finance.senate.gov and
joshua_sheinkman@finance.senate.gov

November 30, 2020

The Honorable Charles E. Grassley
Chairman
Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510-6200
ATTN: Kolan Davis, Maj. Staff Director

The Honorable Ron Wyden
Ranking Member
Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510-6200
ATTN: Joshua Sheinkman, Min. Staff
Director

RE: Support and Pass S. 4898, Extend Deadline to Use Coronavirus Relief Funds

Dear Chairman Grassley and Ranking Member Wyden:

On behalf of the Self-Governance Communication & Education Tribal Consortium (SGCETC), a consortium of more than 360 Federally recognized Tribal nations that administer Federal programs and services to their citizens and communities using Self-Governance agreements, we are writing to request that you support and expeditiously pass S. 4898 and extend the December 30, 2020 deadline for Tribal governments to use the full Coronavirus Relief Funds (CRF) appropriations.

Tribal governments, like the rest of the country, have been trying to protect their citizens and communities from the fallout and unknowns of the pandemic. Many Tribal governments have already used or obligated a significant portion of the CRF they received to help contain the virus and treat infected citizens. For instance, Tribal governments used relief funds to purchase medical services and equipment, implement containment actions, test citizens, assist citizens whose livelihoods were devastated by the pandemic, and perform contact tracing.

Unfortunately, the requirement for Tribal governments to expend the CRF by December 30, 2020 significantly hampers some Tribes from addressing the greatest pandemic-related needs in their communities because of the following reasons:

(1) Tribal governments are being cautious about depleting funds because some Tribal nations are just now experiencing their greatest surge of Coronavirus cases and the virus' trajectory over the next few months remains uncertain. It is also uncertain when

Tribal governments will receive enough vaccinations to protect their communities—making mitigation and response actions the only option for the foreseeable future.

(2) Some of the bold actions that Tribal governments need to take to respond to the pandemic, such as expanding broadband infrastructure to enable telehealth and virtual education programs, cannot be completed by December 30, 2020 because of limitations in the supply chain for supplies and backlogs for surveyors and engineers.

(3) The Department of the Treasury's (Treasury) cumbersome bureaucracy was unable to timely adapt to the Office of Management Budget core principle to "... the rapid delivery of the CARES Act funds to the COVID-19 relief and response efforts..."¹ As such, Tribal governments experienced significant delays receiving funds and Treasury's lack of transparency on its methodology to disburse the CRF made it impossible for Tribal governments to estimate individual allocations. The situation was further compounded by the limited use of these funds at a time when Tribes were beginning to experience revenue loss during the pre-pandemic and greater losses when the World Health Organization announced the COVID-19 outbreak as a pandemic on March 11, 2020. In addition, Treasury still has not disbursed the full \$8 billion intended for Tribal governments. Tribal governments should not be negatively affected because Treasury did not distribute the CRF in a timely manner.

(4) Treasury's confusing and evolving guidance on the limited approved uses for the fund has slowed Tribal government actions to spend the funds. The CRF is a new program with no established rules but a strict requirement that Tribal governments return funds that Treasury's Inspector General deems as misspent. The guidance that tribal governments have sought from Treasury has been confusing and inconsistent and, since late April, has come through irregular, unannounced updates to a Treasury FAQ document.

We are also concerned that Tribal governments returning much needed funds to the Treasury sends the wrong message about the level of funding Tribal governments need to mitigate Coronavirus. Some of your colleagues may interpret the return of the CRF to imply that Tribal governments can survive with less appropriations which could not be farther from the truth. Unlike states and local governments, Tribal governments generally have no tax base and rely on Tribal enterprises to generate revenue. Tribal economic development has provided the base on which Tribal nations have built strong and growing communities and healthy economies. Tribal governments have been crippled by the loss of revenue from these economies. If Tribes are required to return

¹ Executive Office of the President, Office of Management and Budget Memorandum for the Heads of Departments and Agencies, M-20-21, April 10, 2020

CRF to the Treasury, the damage to Tribal economies will be further compounded by the loss of the CRF.

In closing, we ask that you support the bipartisanship of S. 4898 and extend the deadline to use the CRF until September 30, 2021. Extending the deadline will allow Tribal governments more time to complete their most significant pandemic response projects, including the construction or expansion of health care facilities, expansion of broadband infrastructure, and improvement of water infrastructure. We also ask that with this extension, you direct Treasury to immediately disburse the remaining CRF that were set-aside due to litigation.

If you have questions or would like to discuss the contents of this request in more details, please contact Jay Spaan, Executive Director, SGCETC at jays@tribalselfgov.org or (918) 370-4258. Thank you.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO, Jamestown S’Klallam Tribe and
Chairman, SGCETC Board of Directors



Chief Marilynn “Lynn” Malerba, Mohegan Tribe of Connecticut and
Chairwoman, Indian Health Service Tribal Self-Governance Advisory Committee

Cc: Senate Finance Committee

Amber Ebard, Legislative Assistant for Senator Lisa Murkowski

Dave Christie, Legislative Director for Senator Maggie Hassan

Kate Wolgemuth, Rural Adviser for Senator Dan Sullivan

Erica Anhalt, Senior Legislative Assistant for Senator Jeanne Shaheen

Kate Aspinwall, Legislative Assistant for Senator David Perdue

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Katherine McCleary, Legislative Assistant for Senator Jon Tester

Dante Desiderio, Executive Director, NAFOA

Kevin Allis, CEO, NCAI

DOI and IHS Self-Governance Tribes