

Congress of the United States
Washington, DC 20515

April 16, 2020

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

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20220

Dear Secretaries Mnuchin and Bernhardt,

When Congress created the Coronavirus Relief Fund (CRF) established by Title V of the *Coronavirus Aid, Relief, and Economic Security (CARES) Act*, we acted to provide desperately needed funds to our state, local, and tribal governments impacted by the COVID-19 pandemic. We write to you today in response to concerns from tribal leaders across the nation, with the goal of clarifying congressional intent regarding the eligibility for the \$8 billion set aside for tribal governments within Title V.

Title V, Section 5001 of the CARES Act amended the Social Security Act to add a new Title VI, Section 601, establishing the CRF to provide relief to units of government, not to corporations or other non-governmental entities. Section 601(a)(B)(2) of the Social Security Act appropriates “\$8,000,000,000 . . . for making payments to Tribal governments.” This section was included precisely to ensure parity between the relief the federal government was providing for state and local governments and the relief available to governing bodies of federally-recognized Indian Tribes.

The CARES Act is an expansive piece of legislation, providing governmental assistance to individuals, corporations, non-profits, and small businesses within other sections of the bill. However, in Title V, the spirit and language of the law is clear: to provide direct relief to governmental entities. Any attempt to divert funds provided under the CRF away from the governing bodies of federally recognized tribal nations, which include Alaska Native Villages, would clearly be contrary to congressional intent. Therefore, we echo the opposition expressed by many of these federally recognized tribes to the inclusion of Alaska Native Corporations as eligible entities under the CRF.

As your Departments seek to implement the CARES Act, we remind you of the unique nation-to-nation relationship between the federal government and tribal governments. The federal government bears the responsibility to act as a trustee for federally recognized tribal nations, while also recognizing the inherent sovereignty of tribal governments. This is inherently a nation-to-nation relationship and the federal Indian law canons of construction require that the Department of the Treasury and the Department of the Interior interpret statutes to the benefit of sovereign tribal nations, not non-governmental tribal entities.

Sincerely,



Betty McCollum
Member of Congress

/s/ Tom Cole
Member of Congress

/s/ Deb Haaland
Member of Congress

/s/ Ken Calvert
Member of Congress

/s/ Markwayne Mullin
Member of Congress

/s/ Derek Kilmer
Member of Congress

/s/ Ruben Gallego
Member of Congress

/s/ Tom O'Halleran
Member of Congress

/s/ David P. Joyce
Member of Congress

/s/ Raúl M. Grijalva
Member of Congress

/s/ Norma J. Torres
Member of Congress

/s/ Sharice L. Davids
Member of Congress