



2050 VENIA MINOR ROAD
P.O. BOX 86
ST. PAUL ISLAND, ALASKA 99660

April 17, 20201

Senator Lisa Murkowski
522 Hart Senate Office Building
Washington, DC 20510

Senator Dan Sullivan
702 Hart Senate Office Building
Washington, DC 20510

Congressman Don Young
2314 Rayburn House Office Building
Washington, DC 20515

Re: *CARES Act and Tribal Government Allocation*

Dear Alaska Delegation,

You may have already heard the news today about our tribe (along with two other Alaska Native tribes) joining three “lower 48” tribes in a complaint against the Secretary of the Department of Treasury for an injunction to disburse the total \$8billion tribal allocation under the CARES Act to tribal governments, without the inclusion of the ANCSA corporations. On behalf of the Aleut Community of St. Paul Island (ACSPI), a federally recognized tribe, I write to urge the delegation to rectify this divisive situation created by the CARES Act in any way within your authority.

We absolutely support the essential role ANCSA corporations play in many Alaska Native communities, and on St. Paul we consistently strive to work cooperatively on important issues with both our village and regional corporation. We also acknowledge the very real impact COVID-19 has had, or will have, on our ANCSA corporations and do not want to downplay the significance of their losses. We have no doubt that many of our ANCSA corporations may need critical financial assistance in the same manner as the for-profit business entities of federally recognized tribes. However, as a self-governing tribe that has for decades dedicated resources to fighting against the erosion of Alaska Native tribal sovereignty, we cannot support the inclusion of our ANCSA corporations into the blurred and rushed definition of “tribal governments” under the CARES Act.

We joined the Complaint late last night only after fully participating in the Department of Interior and Department of Treasury consultation process over the past week and seeing no changes to the interpretation of “tribal government.” We raised our concerns and objections in our written comments submitted to the Departments on Monday, April 13, as did many other

tribes across the country and in Alaska. While the ISDEAA has long included ANCSA corporations in the definition of “Indian Tribes,” the CARES Act went an unnecessary and dangerous step further of referring only to “tribal governments” and including a new definition of a governing body that refers back to the ISDEAA definition. The emergency circumstances under which the CARES Act was passed may not have provided opportunity to completely weigh the legal ramifications of new terms used in the Act, but the potential long-term detrimental consequences to the sovereign status of federally recognized tribes cannot go unrecognized.

It is very unfortunate the situation has become so volatile and harsh words have been passed between leaders of the tribal nations and the Federal Government, including within the Government. However, the letter sent by this Delegation to the Departments provided an excellent history of our unique Alaska situation and suggested a very workable solution to controversy – the authorization by Alaska’s federally recognized tribes for tribal organizations/consortia to receive funding on their behalf, if they so choose. We have regularly supported this practice, have utilized this when needed, and find this method to properly allow for the recognition of tribal sovereignty while providing flexibility for Alaska’s tribes and tribal organizations to cooperatively work together to ensure the maximum utilization of limited resources.

We respectfully ask this Delegation to keep working with the Departments, or within Congress, on a solution that can provide necessary financial resources to our ANCSA corporations, without an unfavorable impact to tribes, and simultaneously preserves the status of federally recognized tribes and their sovereign tribal governments.

Thank you for your dedication to Alaska and our Alaska Native population.

Sincerely,

A handwritten signature in blue ink that reads "Amos T. Philemonoff, Sr." The signature is written in a cursive style with a horizontal line underneath the name.

Amos T. Philemonoff, Sr.
President, Aleut Community of St. Paul Island