

**Fred Nelson Jr.**  
Chairman

**Norma M. Contreras**  
Treasurer

**Wendy Schlater**  
Vice-Chairwoman

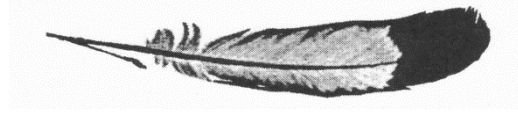
**LA JOLLA BAND OF LUISEÑO INDIANS**

**William C. Nelson II**  
Council Member

**22000 Hwy 76 \* Pauma Valley, CA. 92061**

**(760) 742-3771 \* Fax (760) 742-1704**

**Angela Miner**  
Secretary



April 13, 2020

The Honorable Steven Mnuchin  
Secretary of Treasury  
1500 Pennsylvania Ave. NW  
Washington, D.C. 20220  
[tribal.consult@treasury.gov](mailto:tribal.consult@treasury.gov)

The Honorable David Bernhardt  
Secretary of the Interior  
1849 C St. NW  
Washington, D.C. 20240  
[consultation@bia.gov](mailto:consultation@bia.gov)

Dear Secretaries Mnuchin and Bernhardt:

**RE: OBJECTION TO INTERPRETATION OF INDIAN TRIBAL GOVERNMENT TO INCLUDE ALASKA NATIVE CORPORATIONS**

On behalf of the La Jolla Band of Luiseño Indians (Tribe), I write to provide you further input on developing a methodology or formula to allocate the \$8 billion set aside for Tribal governments and tribally owned business entities from the Coronavirus Relief Fund in Section 5001 of the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**The Tribe strongly objects to interpreting the term “Indian tribe” to include Alaska Native Corporations.**

Congress mandated that the Secretary of Treasury only allocate and distribute Title V relief funds to federally recognized Tribal governments. However, we were informed within the past 24 hours that the Secretary of Treasury has determined to treat Alaska Native Corporations (“ANC”) as “Tribal governments” for purposes of making these payments. This would violate the CARES Act, because ANCs are not “recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,” they are not “Indian Tribes” for purposes of Title V of the CARES Act. Because ANCs are not “Indian Tribes,” they are not “Tribal governments,” which Title V defines as “the recognized governing body of an Indian Tribe.” Section 601(g)(5).

On January 30, 2020, acting pursuant to the Tribe List Act, Interior published its list of 574 “Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau

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April 16, 2020

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of Indian Affairs.” 85 Fed. Reg. 5462-01 (Jan. 30, 2020) (“This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791, 4792) . . . .”). These recognized entities include “Indian Tribal Entities Within The Contiguous 48 States Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs” as well as “Native Entities Within the State of Alaska Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs.” *Id.* at 5462, 5466 (noting “We have continued the practice of listing the Alaska Native entities separately for the purpose of facilitating identification of them.”).

While this list of 574 federally recognized Indian tribes includes more than 200 Alaska Native villages – it, by omission, excludes any Alaskan Native regional or village corporations

Our Tribe supports the distribution to Native Villages in Alaska listed on the January 30, 2020 Department of Interior Notice, but we urge you not to violate the plain meaning of Title V (Section 601(g)(5)) of the CARES Act by including ANCs, which will seriously dilute financial resources to tribal governments.

Thank you for your consideration of our comments. We deeply appreciate your leadership during this extraordinarily difficult time.

Sincerely,

*/s/ Fred Nelson Jr.*

Tribal Chairman

La Jolla Band of Luiseño Indians

cc: The Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives