

# PASCUA YAQUI TRIBE

## OFFICE OF THE CHAIRMAN



April 14, 2020

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

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

On behalf of the Pascua Yaqui Tribe, I write to you to submit these supplemental comments regarding the definition of "Indian Tribe" and "Tribal Government" in Title V of the CARES Act. We thank you for your teams' diligent efforts to consult with tribes and take comments on the implementation of Title V. We all know how important and urgent it is to distribute these funds to support tribes and tribal communities severely impacted by the COVID-19 public health emergency. Thank you for your support.

### **Definition of Indian Tribe and Tribal Government**

We acknowledge that the definition of "Indian Tribe" as used in Title V incorporates the same definition as "Tribe" from the Indian Self-Determination and Education Assistance Act, 25 USC 5304(e). Congress typically uses this definition when including Indian tribes for federal programs, including funding and grant programs, as this definition is built around the ability of Alaska Native *non-profit* corporations to access federal programs on behalf of the Alaska Native village governments. But, for purposes of Title V, this term should not, and cannot, be interpreted to include the Alaska Native *for profit* regional and village corporations, which do not perform governmental functions for Alaska Natives. This approach would also comport with the use of the term "Tribal Government" in Title V, which should be read to limit the broader term of "Indian Tribe."

### **Formula Approach**

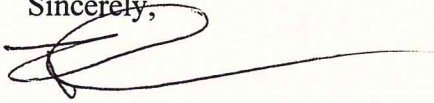
The Pascua Yaqui Tribe reiterates its position that Title V does not allow for any "formula" for the determination of how much funding an Indian Tribe should receive. Any formula will be patently unfair. Instead, the Treasury should set up an allocation process that primarily depends on a Tribal Government submission of funding needs. This approach is the only fair way to allocate funds if Treasury includes Alaska Native corporations. Further, Tribal Government

funding requests should be prioritized and funded before any Alaska Native corporation funding request.

However, if Treasury does decide to implement a formula, then any formula must account for the fact that the inclusion of Alaska Native corporations will double count population and land. Therefore, in our view, Treasury should disallow the inclusion of Alaska Native Corporations - both village and regional - in any formula, and allow the Alaska Village tribal governments to determine how to allocate their funding.

Thank you for the opportunity to submit these supplemental comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'Robert Valencia', with a long horizontal flourish extending to the right.

Robert Valencia  
Chairman