



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

April 15, 2020

Sent via email to: tribal.consult@treasury.gov and consultation@bia.gov

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

The Honorable David L. Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Tara Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Re: Nez Perce Tribe Comments Concerning Distributions from Coronavirus Relief Fund to Alaska Native Corporations

Dear Secretary Mnuchin, Secretary Bernhardt, and Assistant Secretary Sweeney:

The Nez Perce Tribe (Tribe) would like to express its support for the National Indian Gaming Association's April 13, 2020 comments on the inclusion of Alaska Native Corporations (ANCs) as eligible tribal governments for relief under the CARES Act established Coronavirus Relief Fund (CRF). Including ANCs as tribal governments in the CRF allocation formula would be improper because the crucial need and delivery mechanisms are with Alaska Native tribal governments not ANCs.

Only those listed as "Indian Tribal Entities Within the Contiguous 48 States Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs,"¹ as published in

¹ 84 Fed. Reg. 1200 (February 2, 2019).

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the Federal Register, are recognized by and eligible to receive funding and services from the Bureau of Indian Affairs (BIA). The Tribe supports funding for Alaska Native village tribal governments included on that list. However, the U.S. Department of Treasury and the BIA must not include state-chartered Alaska Native Regional and Village Corporations under the Alaska Native Claims Settlement Act (ANCSA) as tribal governments under the CARES Act.

Although referenced in the first part of the definition of Indian tribe in the Indian Self-Determination and Education Assistance Act (ISDEAA), ANCs do not qualify as Indian tribes because they are not eligible for the special programs and services provided by the United States to federally recognized tribal governments. Interpreting the ISDEAA definition of Indian tribe to include ANCs completely misconstrues Congress' intent in the CRF and represents a misreading of the ISDEAA itself. Crucial relief funds for eligible tribal governments would be shortchanged if these funds were to be distributed to entities that provide no governmental services or benefits to tribal members. Further, this would allow the potential for double or triple counting of Alaska Natives because there are three layers for each Alaska Native village—federally recognized Alaska Native village tribal government, Alaska Native Village Corporation, and Alaska Native Regional Corporation.

As the ANCSA makes clear, Alaska Native Village Corporations and Alaska Native Regional Corporations are state chartered, stockholder-owned corporations held by Alaska Natives. They are neither tribal governments, nor are they arms of tribal governments and, therefore, should not unfairly benefit from funds appropriated for tribal governments. In contrast, Alaska Native tribal governments are Indian tribes and tribal governments recognized as such by the DOI under the Federally Recognized Tribe List Act of 1994.²

For the reasons explained above, the Nez Perce Tribe strongly urges that Alaska Native Corporations be excluded from the CARES Act established Coronavirus Relief Fund distribution formula. Thank you.

Sincerely,


Shannon F. Wheeler
Chairman

² 108 Stat. 4791.