

United States Senate

WASHINGTON, DC 20510

April 1, 2020

The Honorable Steven Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue Northwest
Washington, DC 20220

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street Northwest
Washington, DC 20240

Dear Secretary Mnuchin and Secretary Bernhardt:

We write to you regarding the implementation of provisions within the recently enacted Coronavirus Aid, Relief, and Economic Security (“CARES”) Act relevant to Indian Tribes. The inclusion of tribal-specific relief provisions was a top priority as we worked with our colleagues in the Senate and the Administration to develop the legislation. On March 20, we sent a letter to Senate Majority Mitch McConnell outlining Indian Country’s most critical funding needs that needed to be addressed in relief legislation, including a tribal government stabilization fund, parity for tribes in regards to access to relief programs, increased Tribal Priority Allocation funding, access to guaranteed loans, and additional resources for the Indian Health Service. We were pleased to see these needs addressed in the final bill text, particularly the \$8 billion set aside for tribal governments in the Coronavirus Relief Fund.

Indian Country faces among the nation’s most dire of circumstances. Congress understands this and that is why Title V of the CARES Act amends the Social Security Act to create a Coronavirus Relief Fund and reserves \$8 billion within the Fund for payments to Tribal governments to use for expenditures incurred due to the COVID-19 public health emergency. For many tribes, revenue from tribally owned businesses provides the vast majority of operating revenue for government services such as healthcare, law enforcement, and public safety programs. The pandemic has forced many of these enterprises to close or drastically reduce operations, decimating the funding source tribes use to provide the very government services necessary to respond to the crisis. This strain on tribal government finances is exactly what the \$8 billion tribal set aside is intended to address.

As the Administration works to implement the CARES Act, we request that the tribal relief fund be administered in a manner flexible enough to provide tribes with the resources they need to cover the unexpected expenses resulting from dramatic reductions in commercial revenue. Providing this flexibility will follow the legislative intent of the fund and deliver the practical impact it was designed to provide. We also request federal agencies engage in

meaningful consultation with tribes to immediately develop implementation guidelines that are relevant, practical and responsive to tribal needs on the ground.

Going forward, we must ensure tribal-state parity—that tribal governments are eligible for all the same support and relief we give to state governments, on the same terms—and to tailor our implementation guidance to the unique posture of Indian Country. Emphatically, Congress' intent in the CARES Act was to get relief dollars into the hands—and accountable discretion—of state, local and tribal governments best positioned to determine how to devote those dollars to meet the needs of their citizens. Additionally, distribution of relief with broad discretion recognizes that state and tribal needs will vary significantly across the country Montana's needs are very different from New York's and a rural Montana tribe's needs will be very different from those of an urban Arizona tribe. It is state and tribal governments we should trust to make these most important decisions on the distribution of the CARES Act resources.

Thank you for your attention to this urgent matter. We look forward to continuing our work together to address the needs of Indian Country during this pandemic and move all American communities toward recovery.

Sincerely,



Martha McSally
United States Senator



Steve Daines
United States Senator