

**Tribal Partner Organizations Letter
In Support of Recovery Fund Flexibility for Department of Treasury**



September 16, 2022

Speaker of the House Nancy Pelosi
1236 Longworth House Office Building
Washington, D.C. 20515

Congressman Kevin McCarthy
House Minority Leader
2468 Rayburn House Office Building
Washington, D.C. 20515

Congressman Steny Hoyer
House Majority Leader
1705 Longworth House Office Building
Washington, D.C. 20515

Re: Support to allow for increased flexibility for recovery fund use by the Department of Treasury

Dear Speaker Pelosi, Leader McCarthy, and Leader Hoyer:

Over the past two plus years, there has been an unprecedented flow of appropriations and federal response to COVID that is massive in both scope and scale. However, while Congress has tried to address the unique challenges that tribal governments and citizens face in accordance with trust and treaty obligations, there have been issues facing the use of these funds, preventing both tribes and the federal government from maximizing their impact. This includes governmental relief programs administered by the U.S. Department of Treasury for which tribal governments are eligible, but, because they are designed with other units of government in mind, often require the provision of technical assistance to our governments.

Through its Office of Recovery Programs, Treasury has been providing technical assistance as Tribal Nations and other units of government navigate the disparate requirements of various programs under the CARES Act (Public Law 116–136), the Consolidated Appropriations Act of 2021 (Public Law 116–260), and the American Rescue Plan Act (ARPA, Public Law 117–2), as well as other legislation. This assistance has facilitated access to critical relief funding for our Nations and people as we seek to respond to and recover from the worldwide pandemic. However, the funding allocated for this assistance is about to be exhausted.

To remedy this, Section 2 (d) of S. 3011 (State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act) makes changes to the CARES Act, the Consolidated Appropriations Act of 2021, the ARPA, and title VI of the Social Security Act (42 U.S.C. 801 et seq.) and allows the Secretary to use existing coronavirus emergency funding to continue to provide vital technical assistance to the recipients of relief funding.

Therefore, we, the undersigned intertribal organizations, representing the interests of tribal governments throughout the United States write to urge passage of S. 3011 or include similar language in the upcoming Continuing Resolution (CR), as requested by the Biden Administration. This provision would provide the Department of Treasury administrative flexibility regarding recovery funds and allow the Department the continued ability to provide assistance to tribal governments and citizens where it is most necessary. It is also important to highlight that providing this administrative flexibility will be accomplished without reallocating funds designated for programmatic functions and without any new funding.

It is important that the U.S. House of Representatives act quickly on the administrative flexibility provided under S. 3011, which passed the U.S. Senate with strong bipartisan support under unanimous consent and is currently being held at the House desk. There is broad support for this legislation in the House, as its companion bill, H.R. 5735 - State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act, currently has 157 co-sponsors from both parties.

In addition, we urge you to include a one-year extension of the first tranche of Treasury's Emergency Rental Assistance (ERA1) funding in the forthcoming CR. Section 501 of Division N of the Consolidated Appropriations Act, 2021 appropriated \$25 billion for the delivery of emergency rental assistance to eligible households facing unemployment or other financial hardship due to COVID-19. The Department of the Treasury allocated these funds to tribal governments in January of 2021. However, many tribal governments needed to build rental assistance programs before dollars could be obligated. Now, approximately 65% of ERA1's tribal government recipients stand to have these funds recouped by the federal government if they are not obligated by September 30th. An extension of the spending deadline would allow our governments to continue to provide rental assistance to our citizens, which remains a critical necessity under current economic and public health conditions.

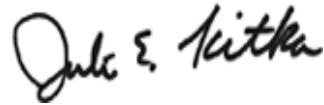
Finally, we wish to express our support for the Treasury's Departmental Office Budget for Fiscal Year 2023. It is critical that Treasury's budget be approved so that the newly established Office of Tribal Affairs can receive initial funding. Tribes have long advocated for the creation of an Office of Tribal Affairs within the Treasury to address issues facing tribal communities. Providing permanent funding will assist Treasury with fulfilling its trust responsibility and ensure that the full array of Treasury's programs will help support tribally driven economic development and investment in Indian Country.

Due to the deadlines related to recovery funds, it is urgent that Congress act on the above requests as soon as possible so that these changes can be implemented in a timely manner without any disruption of service to Tribal Nations. Treasury must be allowed to use its Coronavirus recovery funds to deliver upon its obligations to Tribal Nations, including through the provision of technical assistance.

Sincerely,



Rico Frias
Executive Director
Native American Finance Officers Association
(NAFOA)



Julie Kitka
President
Alaska Federation of Natives



Chief Kirk Francis
President
United South and Eastern
Tribes Sovereignty Protection Fund



Larry Wright, Jr.
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