

Akiak Native Community

Akiak IRA Council

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April 15, 2020

The Honorable Steven T. Mnuchin
Secretary, United States Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

The Honorable Tara Sweeney
Assistant Secretary- Indian Affairs
United States Department of the Interior
Office of the Secretary
Washington, DC 20240

Dear Secretary Mnuchin and Assistant Secretary Sweeney,

I write to supplement my Tribe's earlier comments and to oppose the award of any portion of the Coronavirus Relief Fund to private for-profit corporations organized under the Alaska Native Claims Settlement Act (ANCSA).

The Fund was set up under Section 5001 of Title V of the CARES Act to provide desperately-needed assistance to governments—States, local governments and tribal governments. The term “tribal government” is used 15 times in Section 5001. The whole point of the fund to cover public services provided by governments, not to make payments to private companies.

A for-profit corporation, including an Alaska Native for-profit corporation formed under ANCSA, is a private company controlled by its shareholders and a board of directors. It is not a “tribal government”—it is not (in the words of section 601(g)(5)) the “recognized governing body of an Indian tribe.” The term “Indian tribe” may sometimes, in some contexts, mean an Alaska Native corporation, but not when that term is narrowed by Congress just to cover entities with a “recognized governing body,” and not in an Act of Congress designed to provide funding to public entities providing governmental services. Only true Tribes are “recognized” by the United States, and all such federally recognized tribes are listed annually by the Interior Department in the Federal Register, as Congress mandated in the Federally Recognized Tribal List Act (FRITLA). For-profit Alaska Native corporations formed under ANCSA are not on those lists. The federal government has no recognized trust responsibility to these for-profit corporations and (in the words of the definition of the term “Indian tribe”) they are not “recognized as eligible for the special programs and services

provided by the United States to Indians because of their status as Indians.” Only Tribes listed under FRITLA enjoy that status.

We have no doubt that some ANCSA corporations are experiencing financial difficulties as a result of COVID-19. While that is true of many businesses, Congress may have a special duty to assist ANCSA corporations at some point. But that discussion is for another day. Title V of the CARES Act was intended by Congress strictly to assist governments—true governments, “tribal governments”—and our Tribe therefore respectfully urges you to reject calls by ANCSA corporations to participate in the Fund.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Williams, Sr.", with a stylized flourish at the end.

Michael Williams, Sr., Chief
Akiak Native Community