

United States Senate
WASHINGTON, DC 20510

May 28, 2020

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

Dear Secretary Mnuchin,

We write to urge you to clarify the disbursement formula the Department of Treasury used to allocate payments to Tribal governments from the Coronavirus Relief Fund (CRF) authorized by Title V of the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (P.L. 116-136).

On May 5, 2020, you and Department of the Interior Secretary David Bernhardt announced that your Department based its initial CRF allocation from the \$8 billion in funding set-aside for Tribal governments on population data.¹ The Department indicated that it used U.S. Department of Housing and Urban Development's (HUD) Indian Housing Block Grant (IHBG) population figures as the dataset for this distribution. You and Secretary Bernhardt described this approach as a "fair balancing of tribal needs" based on data that is "already familiar to Tribal governments."

Since that announcement, we have received reports that call into question the validity of that characterization and raise the possibility that Treasury inaccurately calculated the first round of Tribal CRF allocation payments.² Additionally, Treasury claims that Tribal governments "have already been provided the opportunity to scrutinize and challenge [the IHBG data's] accuracy,"³ but Tribes not included in the IHBG population data have expressed concern over Treasury's reliance on HUD's population figures to determine their allocations without prior consultation. Treasury has reportedly not provided a meaningful explanation for how it accounted for Tribes in these circumstances.

Given Treasury's determination that "Tribal population is expected to correlate reasonably well with the amount of increased expenditures of Tribal governments related directly to the public

¹ Joint Press Release, available at <https://home.treasury.gov/index.php/news/press-releases/sm998>

² Several Tribes have informed our offices that the IHBG population numbers are inconsistent with their current population numbers. Other Tribes have indicated that the Department incorrectly listed their population as zero.

³ May 5, 2020 Treasury Guidance document, "Coronavirus Relief Fund: Allocations to Tribal Governments," available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Tribal-Allocation-Methodology.pdf>

health emergency,”⁴ it is critically important that the population numbers it relied on are as accurate as possible. While Treasury has provided Tribes an opportunity to review the underlying IHBG dataset, Treasury has not published any modifications to the dataset to allow Tribes affected by the issues above to provide feedback and correct any potential errors or inaccuracies.

We therefore ask you to provide us with a table of all Tribal allocations issued using the IHBG-based formula and an explanation of all IHBG dataset modifications or additions Treasury made. We urge you to provide this information expeditiously to ensure that this disbursement methodology is fully transparent and that all Tribes receive adequate funds to ensure the health and safety of their Tribal communities.

Thank you for your attention to this important matter. We look forward to working with you to continue to uphold the federal government’s Tribal trust and treaty responsibilities and government-to-government relations with Tribal governments regarding the response to the COVID-19 pandemic.

Sincerely,



Tom Udall
U.S. Senator



Jon Tester
U.S. Senator

/s/ Tina Smith
Tina Smith
U.S. Senator



Tammy Baldwin
U.S. Senator

/s/ Martin Heinrich

Martin Heinrich
U.S. Senator



Catherine Cortez Masto
U.S. Senator



Ron Wyden
U.S. Senator

/s/ Tammy Duckworth

Tammy Duckworth
U.S. Senator

⁴ *Id.*

/s/ Angus S. King, Jr.
Angus S. King, Jr.
U.S. Senator



Jacky Rosen
U.S. Senator



Elizabeth Warren
U.S. Senator

/s/ Michael F. Bennet

Michael F. Bennet
U.S. Senator