



CALISTA CORPORATION

April 11, 2020

VIA EMAIL

Hon. Steven Mnuchin  
Secretary of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220  
[tribal.consult@treasury.gov](mailto:tribal.consult@treasury.gov)

Hon. David Bernhardt  
Secretary of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240  
[consultation@bia.gov](mailto:consultation@bia.gov)

Re: *Response to March 31, 2020 Request for Tribal Consultation; Proposed Formula for Distribution of \$8 Billion Coronavirus Tribal Relief Fund*

Dear Secretary Mnuchin and Secretary Bernhardt:

I write to you on behalf of the Calista Corporation (“Calista”), one of twelve Alaska Native Regional Corporations (“ANCs”) created under the Alaska Native Claims Settlement Act of 1971 (“ANCSA”), to ensure that Federally-recognized Tribal governments in our region receive sufficient funds to address the impacts of the Coronavirus as soon as possible.

**ANC Consultation Requirement.** While Calista is not a Tribal government to which your consultation request was directed, Federal law requires that the Treasury and Interior Departments consult with us on matters affecting the Native people who are our shareholders.<sup>1</sup> Calista serves more than 32,000 shareholders with ties to the Yukon-Kuskokwim (“Y-K”) Delta, most of whom are Tribal members of the 56 Federally-recognized Tribal governments located in our region. The COVID-19 virus is a threat of epic proportions that could decimate the Native people we represent. Calista has a very strong interest as a matter of Federal law and our corporate charter to ensure that the Tribal governments in our region receive their appropriate share of the Tribal Relief Fund to address the effects of the Coronavirus.

**Background.** The Y-K Delta is an area that comprises about 10% of the State of Alaska, and is approximately the same size as New York State. There are no roads or rail into the entire region serving about 25,000 residents. More than 50 Native communities call the Y-K Delta home and must rely on costly and weather-dependent air cargo to receive supplies, food, medicine, and sometimes even fuel. More than one-third of the Native communities in Alaska that do not have adequate running water and wastewater treatment are located in the Y-K Delta. There is one regional hospital and it is not licensed to provide any ICU beds.

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<sup>1</sup> See Letter from A. Guy, Calista Corporation, to S. Mnuchin, Secretary of the Treasury, *Amending Treasury Tribal Consultation Policy to Include Alaska Native Corporations to Comply with Federal Law*, Feb. 12, 2020 (attached).



**Recommendations.** I understand that you are considering a formula approach to distributing the Tribal Relief Fund based upon a number of factors upon which Tribal governments would be required to upload certain data to a web-based Treasury information portal. During the last 50 years, we have developed efficient mechanisms to distribute funds to our shareholders and the Tribal governments we represent. There are a number of considerations that I believe you should consider in the process of distributing the Tribal Relief Fund that uniquely affect Alaska Tribal governments.

1. **Alaska Tribal governments may not be able to respond quickly to web-based information requests and should not be left out.** The Native villages in the Calista region are located in one of the largest, most remote, and poorest regions in the country with inadequate communication, transportation and business infrastructure that will hinder or entirely frustrate the ability of every Tribal government to utilize a web-based portal to submit any requested information and the required certification.

Calista recommends that, for every Tribal government unable to register through the Treasury portal with the data requested (land base, total wages, total employee count, and enrollment), a minimum distribution in the amount of \$2 million per Tribe be adopted as a default payment to ensure that no Tribal government is left out.

2. **Tribal governments should be allowed to delegate authority to regional Alaska Native Corporations to secure and distribute their share of the Tribal Relief Fund.** Because of the administrative challenges set forth above, allowing Tribal governments to delegate administrative authority to the regional ANC where they are located can ensure that all Tribal governments receive their share as soon as possible. Moreover, whether the Tribal government registers directly or through authority delegated to an ANC, the officer registering for the distribution of Tribal Relief Funds should be permitted to self-certify his or her authority so that submission of documentation does not delay or hinder the ability of a Tribal government to receive its funds.

3. **Alaska Tribal governments should receive a proportionate share of the Tribal Relief Fund to address the increased expenses of responding to the Coronavirus.** Alaska is home to 229 Federally-recognized Tribes, reflecting 39.9% of total of 574. Given the unique challenges described above facing Alaska Tribes, Calista suggests that 39.9% of the Tribal Relief Fund (\$3.2 billion) be made available just for the Alaska Tribes. These funds could then be distributed by a similar formula that you might use for Lower 48 Tribes, but the aggregate total should approximate 39.9% of the total Tribal Relief Funds.

4. **Alaska Native Corporations should be able to fully participate in CARES Act-funded Tribal programs where Congress has expressly so authorized.** Calista, like other Alaska Native regional and village corporations, has been recognized in numerous Federal laws as eligible for certain programs and services provided “to Indians because of their status as Indians.” Indeed, in the



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CARES Act, the definition of “Indian Tribe” is borrowed from the Indian Self-Determination and Education Assistance Act of 1975, Public Law 93-638 which recognizes Alaska Native village and regional corporations “as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” *See* CARES Act, § 5001(a). To the extent that ANCs provide services to their Native shareholders and Tribal governments, ANCs should be able to fully participate in all Congressionally-authorized programs intended for Tribal governments and receive equivalent Federal funding.

Thank you for your consideration of these comments.

Sincerely,

CALISTA CORPORATION

Andrew Guy  
President & CEO