

# Oregon Tribes benefit from CARES Act

## Study questions how Treasury allocated funds

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Three Oregon Tribes – the Confederated Tribes of Grand Ronde and Siletz, and the Klamath Tribes – are among the top 25 “over-represented” Tribes under the Treasury Department’s formula for distributing the first \$4.8 billion in CARES Act funds, according to a Harvard study that found the federal government used “grossly inaccurate” data to distribute the monies.

According to the study, the Confederated Tribes of Grand Ronde received an estimated additional \$21.37 million because Treasury used the Indian Housing Block Grant’s American Indian/Alaska Native single and multi-race population numbers instead of using Housing and Urban Development’s count of enrolled Tribal members or Tribally submitted enrollment numbers.

The Confederated Tribes of Siletz Indians received an estimated additional \$21.42 million because the Treasury Department used racial population numbers instead of enrolled Tribal member numbers. The Klamath Tribes received an additional \$21.36 million.

The study estimates that the Grand Ronde Tribe received \$32.95 million in Coronavirus Aid, Relief and Economic Security Act – CARES Act – funding while the Siletz Tribe received slightly more than \$33 million and the Klamath Tribes banked \$32.9 million.

The Confederated Tribes of Grand Ronde has not publicly disclosed the amount of CARES Act funding it has received and the Harvard study notes that there is no comprehensive list of allocated CARES Act monies that has been made public.

The study found that the U.S. Treasury ignored up-to-date figures it required from Tribes and instead used outdated population data used by the federal housing program to distribute the first portion of the \$8 billion allocated to Native American Tribes in the CARES Act.

The study said it appears that Housing and Urban Development incorporates Census Bureau data into its IHBG formula, which uses the terms “single race” and “multi-race” for American Indians and Alaska Natives who live in “formula areas.”

HUD’s IHBG “formula area” population would be greater than actual enrolled Tribal members because it includes any Census Bureau respondents who self-identify as either solely American Indian or Alaskan Native or as American Indian and Alaska Native in combination with one or more other races.

“It is our understanding that Tribes participating in the IHBG program are asked to report their

Oregon Tribes	Treasury Allocation Using HUD AIAN (Single+Multi-Race) Population	Allocation Based on HUD Undated Count of Enrolled Tribal Citizens	Difference: HUD Racial Population minus HUD Enrolled Population
Siletz	\$33,026,812	\$11,603,741	\$21,423,071
Grand Ronde	\$32,947,873	\$11,576,007	\$21,371,867
Klamath	\$32,929,657	\$11,569,606	\$21,360,050
Umatilla	\$14,266,684	\$6,649,910	\$7,616,774
Cow Creek	\$11,118,237	\$3,906,316	\$7,211,922
Coos/Umpqua	\$7,408,110	\$2,602,788	\$4,805,322
Coquille	\$6,673,371	\$2,344,643	\$4,328,729
Warm Springs	\$13,015,807	\$11,394,665	\$1,621,142
Burns Paiute	\$1,360,178	\$874,707	\$485,470

Source: Harvard Project on American Indian Economic Development Native Nation Institute

Graphic created by Samuel Briggs III

populations of enrolled citizens, but that it is widely understood that these counts are not actually used in the IHBG allocation formula,” the study says.

All Oregon Tribes benefitted from Treasury’s allocation formula in receiving additional funding, the study says. The “over-represented” amounts include Burns Paiute, \$485,470; Coos, Lower Umpqua and Siuslaw Tribes, \$4.8 million; Coquille Indian Tribe, \$4.3 million; Cow Creek Band of Umpqua Indians, \$7.2 million; Confederated Tribes of Umatilla, \$7.6 million; and Warm Springs, \$1.6 million.

Congress allocated the \$8 billion to Tribes in late March, but a court ruled later that some of the money should be held for Alaska Native corporations in case they are deemed eligible. The ruling, however, allowed Treasury to start distributing 60 percent of the funding to federally recognized Tribes.

Treasury decided to use population data from the Indian Housing Block Grant program to help determine Tribal allocations despite the fact that Tribes provided up-to-date enrollment numbers in applying for CARES Act funding.

Treasury requested that Tribes certify their enrollment citizenship populations as of Jan. 1 upon registering for CARES Act funds before the April 17 deadline.

To qualify, Tribes were asked how many enrolled citizens they have, how many acres of land they own and how many people they employ. The departments of Interior and Treasury told Tribes that they needed the data to determine the allocations to each Tribe.

“If Treasury used the April sub-

missions of Tribes – which was submitted by Tribes under federal penalty for misrepresentation so you would expect them to be accurate – then Treasury would have had a solid case here,” said Professor Joseph Kalt, co-director of the Harvard Project on American Indian Economic Development and one of several authors of the report released on Monday, May 18. “But for reasons no one knows, Treasury did not turn to any of the data the Tribes all submitted in April.”

Kalt said that some Tribes were over-counted while others were undercounted in the housing department’s information, and some Tribes were shown as having zero populations because they had never participated in a certain federal housing program. For instance, the Delaware Tribe of Indians in Oklahoma received the minimum disbursement of \$100,000 because it was listed by Treasury as having zero citizens despite the Tribe having an enrolled membership of approximately 11,000 members, resulting in an estimated loss of \$23.4 million in CARES Act funding.

“While hundreds of Tribes are known to have registered via the portal and Treasury is in possession of data collected through the portal, Treasury’s description of its CARES Act allocation formula indicates that it did not utilize any portal-collected data and the complete portal-submitted data are not available to the public,” the study states.

“As our analysis documents, the various publicly available data series on population that could conceivably have been used by Treasury in its CARES Act allocation formula are mutually and ma-

terially inconsistent. In addition, each series contains arbitrary and capricious deviations from known facts regarding various Tribes’ enrolled citizenship counts.”

In analyzing the Tribes that were “under-represented,” such as the Choctaw Nation of Oklahoma that lost an estimated \$329.6 million in funding, and those “over-represented,” such as the Muscogee (Creek) Nation of Oklahoma that reaped an estimated \$163.5 million extra in funding, the Harvard study cautions that the concepts of “over” and “under” refer only to the allocation results under one dataset vs. another.

“We put ‘over’ and ‘under’ in quotes to emphasize that neither HUD’s enrolled citizen data nor any of HUD’s racial population counts are numerically credible,” the report states.

In its conclusion, the study says that the case is “strong for using the portal-submitted Tribal citizen counts already in Treasury’s possession” to avoid extensive challenges and litigation, as well as using the portal-submitted data from Tribes to distribute the remaining \$3.2 billion in CARES Act funding and remedy over- and under-compensations created by the first-round formula.

“As noted, these figures were requested by and provided to Treasury. Moreover, they were legally verified by Tribal governments, with those governments having every reason to believe that the allocations of CARES Act monies would rely upon their submissions in some fashion,” the study concludes. ■

*Includes information from Indian Country Today.*