U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CARES ACT TITLE VI

CORONAVIRUS RELIEF FUND

TRIBAL CONSULTATION

Washington, D.C.

Thursday, April 2, 2020
PARTICIPANTS:

Opening:

MARK CRUZ
Deputy Assistant Secretary, Policy and Economic Development, Indian Affairs
U.S. Department of Interior

Welcome:

TARA SWEENEY
Assistant Secretary, Indian Affairs
U.S. Department of Interior

DANIEL KOWALSKI
Counselor to the Secretary
U.S. Department of Treasury

Consultation Presentation:

TARA SWEENEY
Assistant Secretary, Indian Affairs
U.S. Department of Interior
PROCEEDINGS

(1:01 p.m.)

OPERATOR: Welcome, and thank you for standing by. At this time all participants are in a listen-only mode until the question and answer session of today's call. At that time, to ask a question from the phone line, please press *1 and record your name at the prompt.

I would now like to turn the call over to your host, Mark Cruz.

You may begin.

MR. CRUZ: Thanks. Thank you, operator. Good afternoon and thank you all for joining us today.

Before we begin I want to start with a couple of general housekeeping items. For media purposes, this call is off the record and not intended for the press or media use, and we respectfully ask that if you are a member of the press or media that you reach out to the Interior or Treasury Offices of Public Affairs and disconnect from the call now.
We also understand that many tribes, like the Federal Government, are on telework status, meaning more telephone lines are being used that normal. Due to telework, work from home orders, and an increased demand for teleconference lines, we are capped the number of available lines for use today. Therefore, if you are not in an elected Tribal leader, we also respectfully ask that you disconnect now so Tribal Leaders across the country do not have issues connecting to today's Tribal Consultation.

While we wait for non Tribal Leaders and media to disconnect and give a moment for Tribal Leaders to dial in, I will just say that the Departments of Interior and Treasury hope that you are all safe and continuing to check CDC's website for the latest information, guidelines, and resources. In addition, we hope you are also checking our website at BIA.gov/COVID-19 for additional updates relevant to Indian country.

To formally begin, my name is Mark Cruz and I have the privilege as serving as the Deputy
Assistant Secretary for Policy and Economic Development for Indian Affairs here at the U.S. Department of Interior. I'm also an enrolled member of the Klamath Tribe.

Today is the first of two national Tribal Consultation calls with the U.S. Departments of Interior and Treasury where we are seeking Tribal Leader input, comments, ideas, and recommendations on developing the methodology to allocate funds to Tribal Government, as outlined in the CARES Act, including guidance on necessary expenditures incurred due to the Covid-19 public health crisis.

We appreciate the interest of Tribal Leaders in joining today's call and that the information shared here today is very important and valuable. In honor of the United States Government to Government relationship, when it comes to time for questions, we respectfully request that questions come from Tribal Leaders. If you are in the queue and not a Tribal Leader, we will have the option mute your line and move
onto the next Tribal Leader.

Our goal today is also to hear from all regions of the country, so please keep your questions, statements, comments as succinct as possible so that we can get to as many people today at this Consultation.

A couple of additional routine Tribal Consultation housekeeping things. When you are up to speak, please identify yourself with your name, the spelling of your name, and the Tribe that you represent. For everyone's awareness, we do have a court reporter on the line and everything said during today's telephonic Consultation will be recorded and become a part of the Consultation in final transcript.

Before I turn it over, I'd like to thank our partners at the U.S. Department of Treasury.
And for everyone's awareness, here at the Department of Interior, our team consists of John Tashuda, Greg Renkes, Jason Freihage, and Stephanie Condis (phonetic), and at Treasury we'll have Dan Kowalski, Nancy Montoya, Angela Gartland,
and Kelly Meier (phonetic), amongst others. And so now it's my honor to introduce Assistant Secretary for Indian Affairs, Tara Sweeney and Dan Kowalski, Counselor to the Secretary, Treasury, for their welcome and presentation.

Madam Secretary?

MS. SWEENEY: (Speaking in foreign language). Greetings to you. I'm honored to be here today. I am Tara Sweeney, Assistant Secretary for Indian Affairs (inaudible), enrolled member of the Native Village of Barrow and the Iñupiat Community of the Arctic Slope.

I would like to thank all of the Tribal Leaders for participating today. Our country is weathering some very tough times with the Coronavirus pandemic and the challenges that the Indian Country and Alaskan Native Villages are testing the strength of our collective leadership, and yet as community leaders, they have no choice but to persevere.

They are standing with you and making tough decisions. We have worked with tribal
Leaders to close schools, provide assistance with emergency declarations, supported the Tribal sovereignty of some Tribes to close their reservations, pueblos, or villages, and we continue to plan ways to improve service deliveries. And we are extremely humbled with the partnership and the engagement Indian Affairs has received from Tribes across the country.

If you look at the spread of this virus across the country, the discussion and feedback from Tribal Governments has helped shape the response and the coordination of and with Indian Affairs. I want to point out that each regional director continues to host Tribal Leadership calls where we have participation at varying levels from our Federal partners, and that includes the VA, USDA, FEMA, IHS, HHS, and the CDC.

Tribes improved coordination and merging regional coordination calls, to which we adjusted to being more responsive. And although Indian Affairs is not the lead agency for response, we are part of the front lines for assisting Tribal
Governments. My regional directors are available to Tribal Governments to provide that technical assistance, to elevate your concerns, and provide direction within the Federal family. And I am very thankful for the partnership we have with our Federal partners.

Within the last month, Indian Affairs has leaned heavily on IHS, USDA, FEMA, and the CDC. So in my language, thank you very much,(speaking native language), to our partners who continue to participate with our regional directors to respond to the needs of our Native communities.

And today we welcome another important Federal partner into the Indian Affairs family, the U.S. Department of Treasury. This is a joint national Tribal Consultation and it is designed to hear from Tribal Leaders and their recommendations on the methodology for the formula for distributions, as well as recommendations on a qualified expenditure.

At this stage, it is worth noting for
Treasury and for all of us as a reminder, this $8 billion is the biggest, largest infusion of funds in the Indian countries in the history of our country. This amount is more than the Cobell settlement, the land buyback program, and the Ramah Navajo settlement combined. So this is our opportunity to get it right.

In addition to the immediate operation needs for Tribal Governments and Tribally-owned businesses, it is also important to consider the longer-term community needs for a continuity of operations as the result of Covid-19.

In Indian Affairs we have recognized across the country the shortcomings in communication infrastructure, challenges presented by multifamily housing, lack of running water, the need for improved systems delivery for health and education, reliable road systems for emergency access, and consideration to adequately equip law enforcement facilities to respond to the challenges of the Coronavirus.

I want to reiterate that written
comments are due no later than April 13, however, I strongly advise Tribal Government to get comments in as soon as possible. The longer the deliberation process, the longer it will take the Federal Government to issue any type of guidance. We continue to receive comments each day. We are keeping a rolling database of recommendations and updating our summary sheets for our internal deliberations. If you do not have an opportunity to speak today, there will be another consultation on April 9, again, from 1:00 p.m. to 4:00 p.m. Eastern time. You can also submit comments directly to Consultation@BIA.gov. Again, that's Consultation@BIA.gov, or Tribal.Consult@Treasury.gov. Again, that's Tribal.Consult@Treasury.gov. Indian Affairs and Treasury are reviewing the comments that are coming in and sharing them amongst the two Departments.

You can also find updated information on the BIA.gov website. The Coronavirus page also has a link to the CARES Act page, and on that page
we will also include information and updates that we need to provide regarding the CARES Act.

As we stand ready and as we stand to face these uncertain times, I'm reminded of the resolve, strength, and the resiliency of our people. I stated early that we have no choice but to persevere, and in order to do that we will stand together in partnership with each other. As (inaudible) would say, (speaking native language), let's stand together, let's work together united.

Thank you. And at this time I will turn it over to Mr. Kowalski with the Department of the Treasury.

MR. KOWALSKI: Thank you, Tara. Thank you for that introduction.

I am honored to be a part of this Consultation. There are three topics I'd like to cover in my introduction. First, I'll introduce myself so that you know a little more about my story. Second, I'll give you a brief overview of the Coronavirus Relief Fund. And, third, I'll speak briefly about what Treasury expects to bring
So, who am I? Hi, I'm Daniel Kowalski, I go by Dan. I was born in Detroit, Michigan and grew up in a community that was very proud of its Polish heritage. Over the course of 30+ years I am now privileged to serve as the Counselor to the Secretary of the Treasury. I've been with the Secretary since March of 2017. He and I worked together on the Trump campaign, on the economic program, and I joined him to bring that across the finish line. I like to tell the story that I was actually his first hire after he was actually confirmed as Treasury Secretary. Could have came a little bit earlier, but I wanted to wait until he was confirmed.

Prior to joining the Administration I worked for almost 20 years on Capitol Hill. I started as an analyst with the Congressional Budget Office to budget projections, moved from there over to the House, then to the Senate with an interlude in Missouri for a little bit, and ended leaving the Senate as the Acting Staff
Director of the Senate Budget Committee.

I still have a number of friends on Capitol Hill, including on Indian Affairs. I am not an expert on Tribal issues, but I have worked while at Treasury on matters affecting Tribes with respect to Opportunity Zones. I worked with your representatives to come to a workable solution to the relevant issue, which was leasing as far as Tribal lands are not able to sold and how we could use that in the Opportunity Zone framework. I think we worked together to come to a solution that fits the statute and also fits the needs of the community. I hope that we -- I am confident actually that we will do the same here.

What is the Coronavirus Relief Fund?

It's a $150 billion one-time grant program set up in the CARES Act. $150 billion in total, $8 billion earmarked for Tribes, $3 billion earmarked for territories in the District of Columbia. The funds must be used for Covid-19 expenditures above baseline for the period March 1, 2020 through 12/31/2020. We anticipate that the funds will be
distributed on or about April 24, 2020, Friday the 24th. And so that's what we are working for there. There are special rules that apply to the Tribal distribution. And, you know, we will work to figure out what that means together.

What does Treasury want from this Consultation? Really, ultimately, we want a fair and transparent method for allocating these funds. We also need to arrive at it quickly because April 24 is not that far away and the statute told us to get those funds to the communities within 30 days of enactment. Treasury is responsible for determining the allocation of the funds. We take seriously the directive to ensure that all amounts available are distributed to the Tribe and Alaskan Native villages that are eligible for the funding. But we also take seriously Congress’ instructions on how funds are to be used. If there are clarifications about how funds might be used, some of those will need to be addressed by Congress and will be beyond the scope of what we can do here. We do need to keep within the four corners of the
That being said, Treasury is open to considering an expansive reading of the statute, but we can't make it up out of whole cloth, we really have to live within the law as it was handed to us. I am looking forward to listening carefully and attentively to the ideas that Tribal Leaders express over this call and the next call and through written comments on how best we can work within the statute and ensure that we are able to distribute the full amount of the $8 billion that is available and that it can be used to help your communities deal with the public health emergency of Covid-19.

With that, I'll turn it back I guess to Mark. Thank you.

MR. CRUZ: Thank you, Dan. I think that's a good summary between the two on what today's Consultation will focus on. And so given the expedited nature of this Consultation, we don't have a PowerPoint presentation at this time, so let's go ahead and move on into questions from
Tribal Leaders. So, Operator, if you can give that instruction, we will stand on the ready for the first question.

Again, a couple of housekeeping matters for those who joined us late. This Consultation is off the record and not intended for press or media use. So anybody from the media, we respectfully ask that you get off the line at this point if you not have already done so.

Operator?

OPERATOR: Thank you. We will now begin the question and answer (inaudible) and record your name and affiliation when prompted.

MR. CRUZ: Hey, Operator? Can you speak up?

OPERATOR: Yes, my apologies. To ask a question from the phone lines please press *1, make sure your phone is unmuted, and record your name and affiliation when prompted. If your question has been answered you can withdraw your question by pressing *2.

One moment please for incoming
questions. The first question comes from Darrell G. Seki, Sr., Chairman. Your line is open.

MR. CRUZ: Hey, operator. I can't hear you and I'm sure others on the line can't hear you.

OPERATOR: My apologies. I'll see if I can fix the line. One moment please. And my apologies. Is this better? My apologies.

MR. CRUZ: There you go.

OPERATOR: Darrell G. Seki, Sr., Chairman, your line is open.

MR. SEKI: This is Darrell G. Seki, Sr., Chairman of Red Lake.

The thing I want to talk about is we serve -- Red Lake serves a resident population of 15,000 members, land base of 850,000 acres in Northern Minnesota. We operate a commercial fishery, other enterprises, including traditional food business. We also have three small casinos and revenues are very critical to support our Tribal and community service programs. Many of these the Federal Government does not provide any
financial support. We are supporting a funding methodology that provides direct funding to Tribal Governments and provides the funding to provide relief from the costs we are incurring and expect to incur as a result of the closure of daily operations, the shuttering of the travel program and enterprises, and our need to obtain increases resources to protect our community from this pandemic.

Because of this we need clarity on what parameters Treasury and DOI considers eligible for the relief funds. We hope Treasury and DOI consider a methodology that takes into account population, possibly as a layer above some base level of funding for each Tribe. We also support direct funding from the Department of Interior through our existing BIA self-governance compacts and 638 contracts. In addition, the funds are meant to support Tribal Governments and there should be no funding held back by the Department of Interior as administrative costs for their use. And considering how funds are distributed, there
should be a minimum amount that every Tribe receives, and there should also be a maximum amount that any one Tribe can receive, so as to achieve the most equitable distribution of funds.

And (inaudible) for allowing me to speak. (Speaking native language)

MR. CRUZ: Thank you, Chairman Seki.

Great to hear from you. Dan, would you like to offer any comment?

MR. KOWALSKI: No. I will say one thing though, that we have to be careful when we're talking about a minimum amount, that it has to be a minimum amount that every Tribe would be able to absorb for Covid-19 related expenses. Because, ultimately, that's what the funds are for. And so while I'm not adverse to a minimum amount, I think you do need to make sure that what we decide upon would be something that would actually be able to be absorbed by the communities.

MR. CRUZ: Great. Thank you for your comments, Chairman.

Operator, we're ready for the next
question.

OPERATOR: Thank you. Our next question comes from Chairwoman Cheryl Andrews-Maltais.

Your line is open.

MS. ANDREWS-MALTAIS: Thank you very much. And thank you very much for hosting this Consultation. It is really important to all of the Tribes.

For our comments and questions, we believe that the Treasury should be funding the Tribes directly using the same type of disbursement method that is going to be utilized for state and local governments. We think that Tribes in Alaska villages should have the option of getting the money from the BIA if they choose, but the interagency transfer will be permissible and fast. Money should not flow to the Tribes from the state, it must come directly from the Federal Government. BIA should not be able to provide additional contracts to foot costs out of the stabilization fund because it will impact the amount of funding that goes to each of the Tribes.
There should be an allocation to all Tribes and Alaskan Villages regardless of size. They should be uniform and equal, creating parity, so that it's fair and transparent for all Tribes. There should be a minimum base allocation, but not less than at least $1.5 million or more from all requested Tribes and Alaskan Villages, the same as the allocation for the state and local governments underneath their stabilization funds. And if there are residual or excess funds that are not used in relationship to that, can certainly be redistributed as the need arises from other demonstrated needs from Tribes.

The funding should be allowed to include staffing, including pay necessary for copayments for health insurance and other benefits, for housing, to allow for social distance and quarantine, travel expenses for Tribes in Alaskan Village, particularly in rural areas to hospitals for Covid-19 care and related lodging expenses if lodging for quarantine -- being quarantined away from home. Other necessary infrastructure should
also be included, such as wastewater and sanitation system expansions because there is going to be an overload on both infrastructure at this point, as well as food, which may need to be flown into areas, such as in Alaskan Villages, or remote areas within Indian country, and technologies for keeping the connectivity for our communities, such as cell phones, hot spots, laptops, tablets, and also for students as well as our elders and our Tribal members because of their being quarantined or the lack of ability to be in school itself.

And we believe that lost revenue does not mean lost profits and the funds should go uniformly to the Tribes to meet their additional and necessary government services and Tribal member needs. And Tribes, like states and local governments, should be allowed to self-certify the funds that are used for the virus response, and there should be no greater audit or complicated requirements or burdens for Tribes that are required by the state and local governments.
And with regard to the question with Tribal eligibility for leave credit, before issuing any determination we're requesting that the Department of Labor do consultation with the Tribes to make sure that we're able to think this out appropriately.

And I thank you again for all of your work. And I hope that this provides some fair and equitable funding for all Tribes, no matter where they are and no matter how small or large.

Thank you.

MR. CRUZ: Thank you, Chairwoman. Could you repeat the last request? What Department was that and what would you like consultation on? I missed that.

MS. ANDREWS-MALTAIS: Oh, okay. Thank you. That was the Department of Labor. So that was with regard to the Tribal eligibility for leave credit -- administrative leave.

MR. CRUZ: Okay, right.

MS. ANDREWS-MALTAIS: Because we want to make sure that, you know, the Tribes are getting
leave credits. And also some clarity with regard
to ensuring that unexpected payroll, as well as
the insurance copayments for employees, are able
to be morphed into the expenses for the Covid
related expenses.

Thank you.

MR. CRUZ: Thank you, Chairwoman. Do
you all have any questions at DOI/Treasury?

MS. SWEENEY: No.

MR. KOWALSKI: No. I think you are
thinking appropriately about what some of the
additional expenditures are. Without seeing them
in context, you can't say all of them are
appropriate, but I think many of them that you've
laid out seem to be within the spirit of the
statute.

MS. ANDREWS-MALTAIS: Excellent. And as
long as the Tribes are able to self-certify as the
other governments are, it does make our lives
easier because, again, we know as long as it's
related directly and indirectly to the impacts of
the virus, we're certainly able and capable of
being able to identify that. But they should not be creating an additional burden for Tribes, which typically we wind up (inaudible). And certainly we shouldn't be going through a state or local municipality.

MR. KOWALKSI: Yeah. And I don't think there's any reason that you should have to go through a state or municipality given the structure of the statute.

I will say, however the statute does give the Inspector General the authority to audit if they so choose. So it would be incumbent on every tribe and every local government that receives direct distributions or sub-distributions and the state to make sure you develop an accounting system or a method of tracking expenditures that you would book against these funds. I think that's an important thing. And I don't think you can get around that.

MS. ANDREWS-MALTAIS: Absolutely. Thank you.

MR. KOWALKSI: You're welcome.
MR. CRUZ: Thank you, Chairwoman.

Operator, next question.

OPERATOR: Certainly. Our next question comes from Leonard Forsman. Your line is open.

MR. FORSMAN: Good morning here from the Pacific Northwest. I'm Leonard Forsman. I'm President of Affiliated Tribes of Northwest Indians and Chairman of the Suquamish Tribe. (Speaking in native language). And as President of ATNI, I represent the Tribes in Washington, Oregon, Idaho, Alaska, California -- part of California as well.

And as you're aware, the Pacific Northwest Tribes have been on the front lines of battling this pandemic and are in need of immediate support to mitigate its economic and health impacts. And appreciate the opportunity to make some comments and requests.

We ask that the Treasury Department interpret independent expenditures broadly for Tribes. And as sovereign, the Pacific Northwest Tribes should determine what allowable
expenditures are, just as the states are being allowed to do. We support using an existing funding distribution model, such as self-governance, the 638 funding agreement for rapid disbursement of funding to the Tribes. We also have some concerns around our furloughed workers and request that the Department of Interior consult with the Department of Labor to assess the impacts of the pandemic on those workers to develop policies that will sustain our Tribal economy.

ATNI also supports reasonable based funding approaches for every Tribal government, and we believe the population can be a factor that included (inaudible) citizens and potentially the number of employees of the Tribe.

I would also like to add in that we support the Northwest Portland Area Indian Health Board's recommendations as outlined in the letter you'll be receiving soon.

That's all the comments I have for now and appreciate the opportunity.
MR. CRUZ: Thank you, Chairman. Any comments, Treasury?

MR. KOWALSKI: No. Thank you for your comments.

MR. CRUZ: Operator, can you please remind Tribal Leaders on the line how they can ask a question? What those instructions are, for those who may be joining late?

OPERATOR: Absolutely. If you'd like to ask a question from the phone lines, please press *1, ensure your phone is unmuted, and record your name when prompted.

MR. CRUZ: Okay. I think we're ready for the next question.

OPERATOR: Thank you. Our next question comes from Keith Anderson. Your line is open.

MR. ANDERSON: Thank you, everybody. This is Keith Anderson, Chairman of the Shakopee, Mdewakanton, and Sioux Community south of Minneapolis.

I just would like to make a comment that Shakopee endorses the approaches supported by NCAI
in its March 29 letter to Secretary Mnuchin. Shakopee needs the $8 billion to be paid out quickly, based on costs we must be paying to protect our members and employees when we don't have our revenue from our enterprise coming in because they are all shut down. Our need is enormous and immediate. And we're paying over $2.6 million a week for the payroll costs of 3,200 employees that we furloughed and we have millions more in costs we are paying each week for our remaining 1,000 employees safeguarding our facilities and operations and operating our service programs, all without revenue coming in.

We'd like to support also an immediate payment next week of the floor amount of say $500,000 for each Tribe regardless of size of their operation, followed by a second round of payments a week later to those Tribes who have submitted requests demonstrating a need for money to help meet expectations, including those previously funded by Tribal revenues.

And, in parting, you know, some of the
comments that I hear that the Treasury needs to ensure that the Tribal Governments have a proper accounting of their funds spent, I'm in agreement with, but the Tribes must have the maximum flexibility to use the $8 billion and relief emergency funding.

Thank you very much. That's all I have.

MR. CRUZ: Thank you, Chairman.

MR. KOWALSKI: I would like to say I hope that the Consultation process provides us with a good framework for what being expansive is. And I think as long as we keep it to the expenditure side, we're going to be in a good place. It will be hard, given the statute, to look at declining revenues, but increased costs from all sources I think are things that are open to be discussed.

I don't think we will be in a position to make a payment before late April, unfortunately. The mechanics are just not there for us quite yet.

MR. ANDERSON: I would imagine nothing
like we're not used to.

MR. KOWALSKI: Right.

MR. CRUZ: Right, thank you.

MR. ANDERSON: Sorry for my criticism.

This is frustrating for everybody.

MR. CRUZ: Okay. Thank you, Chairman.

Good to hear from you.

MR. ANDERSON: Thank you very much.

MR. CRUZ: Operator, next question.

OPERATOR: Thank you. Our next question comes from Bill Iyall. Your line is open.

MR. IYALL: Good morning here from Washington State. This is Bill Iyall, Chair of Cowlitz Indian Tribe, Southwest Washington. And thank you, Tara and Dan. I guess -- we appreciate this opportunity to express our beliefs and needs going forward for making sure that the Tribes get maximum flexibility in determining those allowable expenses.

As the prior speakers said, we support the ATNI and the NCAI positions so far stated. We also would like to make sure that going into phase
four that this discussion today can help format a better Consultation and advocacy for the Tribes going forward, because I think if we were to have this discussion in advance -- I know this is hitting us all the sudden, it's just in our face and everybody is dealing with it. We've shut down our enterprise as well and we're supporting the healthcare benefits for about 1,000 people right now that are mostly not Tribal members. And so they're from the general community. So we do much more in the general community and I'm hoping that's recognized in the upcoming discussion going into phase four, because we want to make sure we continue our services, continue the value to the community.

And again, I thank you all for hearing us out today.

MR. CRUZ: Thank you, sir. Operator,

next question.

OPERATOR: Thank you. Our next question comes from Mark Macarro. Your line is open.

MR. MACARRO: (Speaking native language)
This is Marc Macarro, the Tribal Chairman for the Pechanga Band of Luiseño Indians near Temecula, California.

Thank you for this Consultation opportunity. We have a land base of 7,000 acres and a population of 1,900 Tribal members, our Tribal enterprise has been able to finally provide the consistent health, education, and other benefits that our Tribal citizens have needed for decades. And finally we've been able to fund these things through these activities we've been able to do over the last two decades or more.

So like many of you on this call, I think it's important to point out that the closing of our casino and yours and other Tribal businesses and enterprises, together with the necessary shelter in place policies to protect our communities, those two things together have had a devastating effect on our Tribal government operations and our enterprises.

So my first point on the Consultation is that when we request any methodology we must focus
on the stabilization needs of each Tribe to assist in quickly returning our reservation economies to self sufficiency. Over the past 20 or 30 years our people have built our regulation economy system, which sustained our Tribes, our Tribal programs, and it enables us to contribute significantly to the economies of our surrounding community. It still feels unbelievable that in three short weeks we've taken the necessary and drastic steps of closing multiple Tribal facilities that employ over 6,000 people (inaudible) and have reduced our reservation workforce by 90 percent.

As of today, this Thursday of this week, we're maintaining only the minimum staff necessary to ensure continuation of critical services within our Tribal community and basic preservation of business entities while they're dormant.

So in order to achieve the stated Congressional intent of this funding, we believe that this stabilization funding should be allocated to Tribes to cover their Tribal...
government deficits that are associated with this Covid-19 circumstance, maintaining essential staff and preserving the dormant businesses entities until it is safe to resume operations. So any methodology that does not focus on the stabilization needs of each Tribe and enable our communities to achieve these basic goals will set reservation economies back decades and significantly delay our return to self sufficiency.

So that's all I have for right now. I'm encouraged to hear from the sponsors and the government discussion.

Thank you.

MR. CRUZ: Thank you, Chairman.

Treasury, anything?

MR. KOWALSKI: Yes, I'll ask a further question. How does one determine what is the appropriate amount for each Tribe under the formulation that you put out there? It seems less formulaic, and how does one operationalize that in a matter of a few weeks?
MR. MACARRO: I suppose that's the juggernaut of this whole process. So --

MR. KOWALSKI: That's why I asked the question, right?

MR. MACARRO: Right. I mean I can answer that in part by saying what it isn't. The formula would seem to miss the mark in trying to -- this will result in the homogenized response and miss the needs of each Tribe. So I think you let us tell you what those needs are on a Tribe by Tribe basis and then some evaluations need to be made on what those are and how they appear on the merits.

And, you know, the back of end of this was, it all has to be justified according to the language of the Act. I think (inaudible) safeguard and was deficient.

MR. KOWALSKI: I understand that.

MR. MACARRO: Yeah. The formula seems to say that, you know, there's no discussion (inaudible). When they track -- this is entirely a discretionary decision making process that
somebody is going to have to make. And I think that the sooner the Treasury comes to terms with that, I think that they can get through it and get the work done.

So given the short time line, it just -- it's not going to be a (inaudible) for Treasury to say, you know, we need a formula and then apply this formula. That's central government probably, you know, at its worst. We don't want -- we don't need that.

Thank you.

MR. KOWALSKI: Okay. I appreciate that.

Thank you.

MR. CRUZ: Thank you, Chairman. So we've heard from the Midwest, Northeast, Northwest, California now. We'd like to hear from folks from Alaska, Oklahoma, elsewhere. So the leaders on the call from those areas, don't be afraid to dial in for a question.

So, Operator, we're ready for another question.

OPERATOR: Thank you. Our next question
comes from -- it is Earl Frasier (phonetic). Your line is open.

SPEAKER: Good morning. Can you come back to us? Chairman Frasier is in another meeting right now. If you can move us down the line, we'd appreciate that.

MR. CRUZ: Yes, go ahead and skip them and we'll come back, Operator.

OPERATOR: Certainly. One moment please. The next question comes from Oliver LittleCook. Your line is open.

MR. LITTLECOOK: Good morning.

MR. CRUZ: Good morning.

MR. LITTLECOOK: I appreciate this opportunity. And I echo all of the previous comments from previous Tribal Leaders.

My name is Oliver LittleCook. I am Tribal Chairman of the Ponca Tribe of Oklahoma. And our thoughts are (inaudible) the distribution. We too would like to echo the distribution methodology of the self-governance compact. We are a small Tribe and we have had non gaming for
the past 15-

Years, so we don't have the (inaudible) revenue that most Tribes have. And so, therefore, we have very few resources available. But we have a lot of need and we are doing our best to meet our needs right now.

So some of the needs that we would like to be able to address, those are like our nutrition assistance for all of our Tribal members, especially our youth and elders. And since we have laid most all of our non essential employees that were sent home, we'd like to be able to have funds to continue to pay those employees, our educational needs for students to continue their online education -- computers, tablets, traditional computers, a computer lab, broadband, and also funds for our cleaning for the buildings that we have before our employees return and our health center, our clinic. And that our staff of our Tribal clinic have reduced employees also and so -- I guess one the questions -- one of ours would be is what are the qualified
expenditures? And would we be able to provide a hazardous pay to our health department?

So those are our questions as of right now. And so, again, we appreciate this opportunity.

So, with that, I will conclude our remarks.

MR. CRUZ: Thank you, Chairman LittleCook.

MR. KOWALSKI: I would think that many of the expenditures that you had mentioned appear to me something that would be an extraordinary cost due to the virus, like the cleaning of the buildings and things like that. Those would be -- a deep cleaning would not necessarily be in your everyday budget for the building, right, and so those are the kinds of expenses that I think should be allowed for the use of these funds.

When you start thinking about things like can you provide a pay differential, that gets to be a little harder to see, right. I don't know that you can do that everywhere when it's sort of
like a phenomenon that's affecting everybody universally.

But, you know, I think that you're thinking about the types -- you're thinking about these things in the right way, but I think you have to be careful in determining what has a direct line to the virus versus what is nice to do in response to the virus but not necessarily a have to do, if that's helpful to you.

MR. LITTLECOOK: Yes. Yes, that's helpful.

MS. SWEENEY: Chairman, this is Assistant Secretary Sweeney. I wanted to just provide you with an update on the direct appropriation. Outside of the $8 billion there was $453 million appropriated in direct appropriations to BIA for Indian program operations to prevent -- prepare for and respond to Covid-19. And it includes areas like deep facilities, deep cleaning, welfare assistance, and social services. And we're looking a minimum of $400 million of this amount will be allocated to
meet the direct needs of Tribes. Funds may be
made available through the Tribal Priority
Allocation for Tribal response and capacity
building.

And in terms of implementation, you
know, we're working to get the funds out to Indian
countries as quickly as possible. And so this
week we're focused on working with OMB and with
treasury to get funding directly appropriated to
us to move into the accounts and then finalizing
the allocation levels for Tribal payments. So we
are working very hard to move something into
Tribal accounts at the start of next week or by
the end of next week.

MR. LITTLECOOK: And that is the BIA, the Bureau?

MS. SWEENEY: Yes, that's BIA. Thank you.

MR. LITTLECOOK: What was -- how was --
could you repeat that first part? I couldn't
hardly hear you. Your phone was down.

MS. SWEENEY: Oh, my apologies. Outside
of the $8 billion that were currently talking
about, $453 million was received in direct
appropriations to the Bureau of Indian Affairs.

MR. LITTLECOOK: So what's the
methodology for receiving that? Through RSP
(phonetic) or just through direct request?

MS. SWEENEY: We are still working on
that, but the goal is to meet the direct needs of
Tribes. And they may be available through the
Tribal Priority Allocation.

MR. CRUZ: All right. Thank you,
Chairman. Operator, I think we're ready for the
next question.

MR. LITTLECOOK: Thank you.

OPERATOR: Our next question comes from
Kelly Dilbeck. Your line is open.

MS. DILBECK: Hi, my name is Kelly
Dilbeck and I'm with the Evansville Tribal
Council, a small village above the Arctic Circle
in Alaska.

We're only accessible by plane year
round, and in the winter on our ice Haul Road. It
opened late this year due to weather and will be open for a few more weeks, but due to the Covid-19 situation people aren't traveling as much, but it is the only main way we get, you know, fuel and supplies. We were supposed to be building our new health clinic this summer, with (inaudible) on the road, and I’m just not sure – I live outside – I live in Pennsylvania right now, so I’m not sure how much of the supplies have gotten up there. Our telephone lines in the village have been down for three weeks in early March and the only way we were able to communicate through some of the people that did have internet and also through satellite phones.

So just, you know, bringing the recognition that Alaska is on about a three day lag on the supply chain already under normal circumstances. You know, if I can't even go to the store right now and get canned soup and toilet paper, imagine my 95 year old grandma relying on the telephone to order her supplies in early March -- couldn't get those supplies ordered, how much
of a delay we are because of this situation and
because of where we're located.

    So I just really wanted to make sure
everybody on the line understood that a small tiny
village above the Arctic Circle -- although we
don't have very many people, we are still
suffering greatly and just, God forbid, it does
make it into the village.

    Thank you.

    MR. CRUZ: Thank you.

    MS. SWEENEY: Thank you for your
comments. My suggestion is, as I have had
conversations with various Tribes in Alaska, I
highly recommend contacting the regional director,
Eugene Peltola, Jr., and working with him if there
are supply chain issues, supply types of issues.
The BIA regional director is available to provide
technical assistance and to work with Tribes on
elevating their issues with the lead agencies who
have authority over those types of functions.
Again, in Alaska it's Eugene Peltola, Jr. And
Evansville is more than welcome to all into the
twice weekly regional Tribal calls that are held by BIA. Again, these calls are taking place across the country with regional directors and the Tribes within each specific region.

They are taking place at least twice a week and if a Tribe chooses to consolidate the calls with other agencies or would like to make modifications to the length or frequency, those requests are being accommodated by the regional directors.

Thank you.

MS. DILBECK: Thank you.

MR. CRUZ: All right. Operator, I think we're ready for the next question.

OPERATOR: Thank you. Our next question comes from Doug Costin, Jr. Your line is open.

MR. COSTIN: Yeah, I heard you say Doug. It's Chuck Costin, Jr. from the Cherokee Nation. I appreciate the opportunity to visit with you on this important matter.

It's been mentioned by other Tribes, and I know all the listeners on here want you to know
that every one of these Tribes, including the
Cherokee Nation, has a tremendous economic impact
not only on our people but on our region. The
Cherokee Nation, it means 11,000 people working
directly for Cherokee Nation, supporting an
additional 20,000 jobs in the region. We are the
absolute economic driver of Northeast Oklahoma.
So when you're talking about economic stability
for Cherokee Nation, that ought to be reason
enough to do it. But it's also economic
stabilization for this entire region, Indian and
non Indian. So this is important for us and this
part of the country.

We again employ a great deal of people
and, as we've suspended our operations, which we
did early on, we paid everyone one of them. So
we've kept the economy moving to the extent it can
be moving in this region because of our actions,
at a great financial cost to the Cherokee Nation
and putting our program in jeopardy on the
government side because our businesses have been
effectively shuttered.
So we appreciate the opportunity to get the share this Cherokee Nation is entitled. We look at this not as a bailout but as a lifeline to Tribes, governments, our businesses, and we want people to understand that this effectively is our entire revenue base put on suspension for an indefinite period of time because of this pandemic.

So we want to share a few thoughts. We want to, first of all, direct your attention to the NCAI letter that was issued. We support it. One of the things we want to highlight is we don't think there should be any allocation methodology. That the list qualifying expenses, that is a limiting factor. There are a wide array of expenses that Tribes can identify. They vary from Tribe to Tribe.

(Inaudible) is unique experiences. So we just discourage any laundry list of qualifying expenses because that would serve to exclude expenses that we may incur or other
Tribes may incur.

And just with respect to the NCAI letter, let me note a few things. We've already addressed the timing of the delivery of the funds. We appreciate that. We want to again stress that you've got take into account a wide variety of costs the Tribes and our businesses are incurring. With specific request to the increased expenditures, those need to include all expenditures made as a result of Covid-19, all expenditures that otherwise would have been funded but for the loss of revenue. For the Cherokee Nation, that loss of revenue is significant. Every month that we suspend operations is a minimum of $30 million that we have lost. And, again, we're doing it as a good -- not only a government that's a good government, but also as a business that is taking care of its employees, but we're shouldering $30 million every month to do so.

The payroll and related expenses, again, those employees are being paid. We think those
should be included in increased expenditures. The cost of financing that is incurred due to these increased expenditures and the differences in the revenues transferred to the Cherokee Nation in 2020 compared to 2019. When we have Tribal Government programs and services that are the lifeline of individual citizens and communities, Those need to continue. If they don’t continue, the economic recovery of the Cherokee Nation will suffer and I promise you the economic recovery of Northeast Oklahoma will suffer.

One other point to make is with respect to the minimum allocation. We appreciate the comments made earlier. We discourage any minimum allocation, certainly not one that's not tied directly to actual increased expenditures. Just an arbitrary minimum we don't think is good policy and we think it's inconsistent with the statute. Again, we appreciate the opportunity to have compensation on this matter. This will mean the difference in the lives of our citizens, both on the government side as we recover funding for
our programs, and those businesses that
absolutely, once they get started again, they need
to get started for the sake of the economy. But,
again, we've taken a huge hit at the Cherokee
Nation, $30 million a month as a result of us
doing the right thing, taking the steps to protect
health and safety, and doing it at a staggering
cost.

So we appreciate the opportunity to be
heard on this matter.

MR. CRUZ: Thank you.

MR. KOWALSKI: I have a question. I'd
like to follow up. I think you, sir, are the
first one who has said to me don't give me a list
of qualifying expenses. And, look from where I
sit, that's actually -- that's the easiest thing
in the world to do, right?

But others have asked for guidance, and
they asked for guidance because they want to know,
you know, on the back end what would be
acceptable. They want to have, effectively, like
a safe harbor, right. How would you -- or I'll
put it this way, if we gave you complete
discretion to determine what is a qualifying
expense would you fear the backend audit or do you
feel that you would be able to justify your
expenditures and that, you know, you're a leader
of your Tribe, you're a leader of your community,
you're a businessman, you know what these things
are.

So if you could talk about that, that
would be helpful to me.

MR. COSTIN: Well, we can absolutely
justify it and I think every Indian Nation on this
call, the sovereign nations that run governments
every day -- and frankly we run the best
governments in the country -- so we're perfectly
capable of doing that. I think any laundry list
is by its nature limiting. And so we don't want
it to be certainly an exclusive list. There are
going to be some things that are just common among
the Tribes and there are going to be some things
that are unique. But we don't want anything
that's a limiting factor and we would ask for the
respect that our governments deserve in terms of identifying those expenses that we need met. And believe me, we have a great deal of those and every Tribe does.

MR. KOWALSKI: I appreciate that. Thank you for your comments, sir.

MR. CRUZ: Assistant Secretary?

MS. SWEENEY: Thank you. And thank you for your comments.

I want to also point out that we are starting to see the trend of comments coming in about losses to Tribal governments, businesses, or Tribally-owned enterprises. And what I want to just point out as a point of reference is the other provision in the CARES Act are not exclusive -- or do not exclude Tribal Governments or Alaskan Native entities. And so I would point to looking at Title II and provisions in Title II and in Title III where American Indians or Alaskan Natives, Indian Tribes are not excluded from certain provisions that may in fact deal some of the issues that you're raising with respect to
operating losses. And the $8 billion set aside specifically for Tribal Governments is another access point for capital, but there are other provisions inside the CARES Act.

One unit we are working on is devising a "frequently asked question" or a summary sheet with the different provisions to share with Indian Countries. I imagine that the size of the bill is extremely large and equities outside of Indian Affairs are working on their provisions as well. But to the extent that we can pull together additional information or provided it in a "Dear Tribal Leader" letter, we are working on that.

MR. CRUZ: Great. Thank you Principal Chief. Just a quick reminder, I appreciate folks from different parts of the country dialing in. I made a request and we heard from someone from Alaska and Oklahoma. We haven't heard from any Tribal Leaders in New Mexico or Arizona. So if those folks on the call would like to dial, we'd love to hear from you.

At this time, Operator, we're ready for
the next question.

OPERATOR: Okay. And something to keep in mind, so these questions are being taken kind of as they come in. I can't really see the place that the person is calling from until I read their recording. So if you can bear me with me a moment, I can see if I can find any folks from those Tribes.

MR. CRUZ: Operator, we can take another question while we scrub that list.

OPERATOR: The next question comes from Robert Valencia. Your line is open.

MR. VALENCIA: (Speaking in native language) My name is Robert Valencia, and thank you, Tara and Dan, for having this session.

I am the Chairman of the Pascua Yaqui Tribe in Arizona located in Tucson. And, again, a lot of the stuff that was on my primary list has been covered. But as a background, we have a couple of casinos, we are the third largest employer in Tucson for both Tribal and non Tribal employees. When we had a conference with Senator
McSally last week, or the week before -- I can't remember -- you know, she was talking about -- I was talking about how (inaudible) allocated to help drive a government's casino to function and give our people hope, but that -- she also showed us that the Tribal Relief Fund would be executed in a more flexible manner, which works for us, and to meet the financial challenges.

So one of the things that we've been affected since that time is we've already had a couple of Covid related deaths and several individuals tested positive. I think this came off the reservation and it's very alarming. We just finished sending a message to our Tribal members about the severity of what's going on. So it's really very real for us as it is across the country.

And one of the things -- I came a little bit late -- but how far in advance of April 24 will Tribe's need to apply for the funding?

MR. KOWALSKI: Yeah, I'll speak to that.

We do not anticipate right now an application
process per se. The statute essentially says we need to come up with a distribution formula and then we will distribute the funds no later than 30 days. So this is why these Consultations are important, just for us to determine what is a fair and transparent distribution formula. And then once the Tribe's are in receipt of the funds, you have the responsibility to use them in accordance with the purposes laid out in the Act. That is to use them for increased expenditures due to Covid-19. And then, you know, there is a back end audit on that.

But we're not anticipating that you need to apply, but rather, you know, what is the appropriate share for each of the 754 Tribes and then we execute on that later this month.

MR. VALENCIA: Yes, I'd like to comment on the -- a previous speaker talked about a comment -- two categories, the common and the unique. And the reason I say that is because right now we have our ceremonial season that's really affected by -- there's -- one of the
ceremonies is on the reservation for the general Arizona communities and they're really severely being affected by this. And in our constitution, for example, where we as a government support the ceremonies and such, so a lot of the expenses and stuff, we didn't even know that we would be doing, but they're coming and they're coming fast. And, you know, it's more in the unique category, so, you know, I would like to really say that those are the thing that, you know, you really need to really see because, you know, common and so everything has been discussed and said, so.

(Inaudible).

Also, at this you say we don't have to submit any documentation of any kind?

MR. KOWALKSI: Not on the front end, but be prepared to submit it -- be prepared to have it for the back end.

I'll clarify that a little bit. I believe we have already established information about where deposits need to be made through BIA, but there may be some need to obtain banking
information from you, and if we have to do that
we'll work that out later, right.

MR. VALENCEA: Okay. And, lastly,
beyond this one of the things early on in the
conversations we found out was like the CDC did
not really fund any Tribes and such. But one of
the concerns is that Tribes are generally left out
when these things are clear time after time. So I
guess what I'm asking is there any mechanism so
that there is some institutional knowledge that we
do exist. Because when these things come up we're
forgotten about and, you know, it should be a
fairer process. And we also have to compete with
the county, state, and such. So it would be more
of a direct funding approach and stuff. Is my
statement -- is that a possibility?

MR. KOWALSKI: I guess I say this is a
direct funding approach for this one, but as far
as other programs go, I have to let Tara address
that. That's outside of my scope of knowledge
there.

MR. CRUZ: Yeah, at this time, Mr.
Valencia, we're not looking at any competition. That hasn't been a Congressional direction so should there be additional tranches of support from Congress, that may or may not be a part of it, but at this time (inaudible) has no intention to do any sort of competitive funding.

MR. VALENCIA: And there's -- just a background statement because I know we're not covering CDC, but in the different sources of funding, that's where we get kind of hung up at, so that was my comment in general.

MR. CRUZ: All right. Thank you, sir. Operator, I believe we're ready for the next question.

OPERATOR: The next question comes from Don Shark[sic]. Your line is open.

MS. SHARP: So that's Fawn Sharp. Can you hear me?

OPERATOR: The line is open.

MR. CRUZ: Yes, thank you.

MS. SHARP: Thank you. I wasn't sure, I thought I heard "Don Shark" and this is Fawn
Sharp. Thank you.

I serve as President of the National Congress of American Indians and President of the Quinault Indian Nation.

First of all, I thank you for answering NCAI's urgent call to action to convene this Consultation. It's very important at this critical time. And you're hearing a wide range of ideas from our family of Tribal Nations on budget formulations, and that's reflective of each Tribe's unique challenges and our financial governance structures. We urge that you carefully consider our unique differences as well as our commonalities in crafting a fair budget formulation.

I would speak directly to the second point of your consultation inquiry with regard to appropriate expenditures. Specifically we urge that Covid related increased expenditures be interpreted to include, as Principal Chief Costin pointed out, there shouldn't be any limitations, it should be a finite list as occurred in recently
anticipated costs of a Tribal Government or their
Tribal entities between March 21, 2020 and

The first point I want to make is we
must factor in including expenditures that
otherwise would have been funded but for lost
revenues. I'm hearing on this call a heavy
emphasis on the expenditure side, I'm hearing --
make references to other Titles for which Tribal
Nations may qualify for net operating losses in
Section II and III, but this is an issue that
clearly and directly impacts our Tribal Government
programs. And we cannot emphasize enough that
lost revenues are a new expenditure that must be
provided some relief in the Tribal set aside.

It must also be emphasized that the
United States has failed to fully fund
governmental operations in every sector, whether
it's healthcare, law enforcement, education. And
to close this gap, Tribal Nations have had to
subsidize the Federal Trust responsibility through
taxation and commercial activities. And the
United States here and now has a second opportunity to live up to its trust responsibility to close the funding gap on these critical services that they should have been funding in the first instance. If there was ever a time for our trustee to live up to its sacred financial commitments, that time is now. And you must consider our operating losses as a new expenditure that we now have to pay a second time to subsidize the Federal Trust responsibility. And the United States must take this second chance to ensure that those are fully funded.

Secondly, expenditures that are associated with diminished capacity or closure of our governments and entities, payments including payroll and related expenses, cost of financing incurred due to increased expenditures, and the differences in our revenues, as was pointed out again by Principal Chief Costin.

Finally, we ask that you issue immediate interim guidance that confirms that the general categories of additional expenditures listed above
includes permissible uses of the fund. Such
guidance would assist Tribal governments and
Tribally-owned entities as they are making very
important and critical decisions in the coming
days to respond to this ongoing pandemic.

The Department should build honest
initial guidance through a series of government to
government consultations with Tribal Nations and
the Interior Department to finalize the guidance.

And, again, we do appreciate pointing to
Title II and III as potential relief opportunities
of points of entry for operating losses, as was
described by Assistant Secretary Sweeney, but that
should not be a "may" justification -- we may go
to those other sections. We need certainty. And
we need certainty not only for the operating
losses, but also certainty in the Tribal set
asides. And there is no greater loss that we have
than on the operating side.

And, again, this is our attempt to
creatively, strategically, and aggressively
generate the rest of the necessary revenues we
must generate to take care of the health and
welfare of our citizens because our trustee is
simply failing to live up to its trust
responsibility -- not just now, but for decades.
And now you have a chance to make good on it and
we urge that you do it through the CARES Act.

(Speaking native language) Thank
you.

MR. CRUZ: Thank you, President Sharp.

Dan?

MR. KOWALSKI: I appreciate your
comments. Okay, I will say this. I do think you
have to appreciate that the guidance that we are
giving at Treasury, use of funds and what higher
expenditures means, is not just for the Tribal
Nations, but it's for -- or Tribal government,
it's for all governments, state governments and
local governments. So that I think makes it a
more challenging task here, because you are being
held to the same expenditure standards as other
governmental entities that receive these funds.
So it's not kind of like a carve out situation for
the Tribes, it's a uniform standard for everyone who receives these funds.

MS. SHARP: And I would respond to that by urging that at every level in every juncture the United States must treat Tribal Nations with parity. And we are not treated with parity. We have an inherent attribute of our sovereign authority to raise taxes. And we all know that through the years that's been diminished by state and local government to our disadvantage. And even when we have invested millions of dollars in commercial enterprises. You can look at the example at Taholah. In our area, state and local governments come in after the fact to assess taxes on our commercial entities. And so there is an inherent disparity and we just urge that you look at this scenario as this opportunity as providing us parity, because we do not have parity at any juncture with states. And we must still close the gap at this time, at a time when we need you the most.

MR. KOWALSKI: Thank you for that.
MR. CRUZ: Thank you, President Sharp.

I appreciate the comments.

Operator, we're ready for the next question.

OPERATOR: The next question comes from Gwendena Lee-Gatewood. Your line is open.

MS. LEE-GATEWOOD: Good morning. Thank you. I'm calling from the White Mount Apache Tribe.

My question -- first I want to make some comments. In order for the funds to be effective Tribal Governments or Tribally-owned entities should be able to demonstrate increased expenditures relative to 2019 by listing expenditures associated with the closure of diminished operation of business and government facilities, including but not limited to payment made to employees or other entities while businesses or government operations are close or operating in a limited capacity. And the difference in revenue is transferred for a Tribal Government account in 2020 versus the same period.
in 2019.

Most of the comments made earlier on how state and local governments receive an allocation are not limited to a list of preapproved expenses. They certify that they use those expenses properly and have a great deal of flexibility. There is movement, I understand, on the list for Tribes. We should receive the same level of flexibility and deference that state and local governments receive. We have faced a lot of setbacks because of the Covid shutdowns. I'm sure all of the other Tribes are experiencing that. But my question is will the treasury be issuing guidance on the procedures and the appeals process for the recoupment terms in subpart F if the Inspector General of the Department of the Treasury determines a state, Tribal Government, or a unit of local government fails to comply with subsection D? The law only says it will be booked as a debt and doesn't read to interest charged to such debt.

Honoring that, guidance should reflect
the silence on inclusion of interest charges on
the debt if so found. Tribes will need to have
clarity on this to make sound judgments. The
guidance should be uniform between all of
government.

Thank you.

MR. KOWALSKI: You make an excellent
point on the appeal procedures. Debt ultimately
falls into the IG's responsibilities. I can't
purport to speak for them, but I agree completely
that we wish to develop a uniform set of guidance
relative to what an allowable expenditure is. And
we want everybody to fit into that. So in that I
think we're aligned.

Thank you.

MR. CRUZ: Great. Thank you, Chairwoman
Gatewood. Operator, we're ready for the next
question.

OPERATOR: The next question comes from
Ron Allen. Your line is open.

MR. ALLEN: Thank you and good morning
-- good afternoon to everyone.
So thank you for this opportunity folks.

And I appreciate the hard work by the leadership in Treasury and the Department of Interior with regard to this matter.

So I'll try to keep our comments brief.

Our Tribe totally supports the recommendations of ATNI, NCAI, and NAFOA, who have made good recommendations with regard to how these resources can be distributed. We agree that when it comes the distribution base, that you need to look seriously at a base number that would be reasonable and fair for all Tribes, small and large, so that the smaller Tribes who have smaller bases get a reasonable amount of relief, as intended by the Act.

And then we believe that population is a factor simply because people to serve, and so it's more relevant to the complexity of each of the Tribes and each of their areas. So we think that that is definitely appropriate.

We agree that with regard to expenditures that we have -- that the rules to the
states should be the same for the Tribe and that self-certification about the use of the money should be in our area of responsibility. We see the Indian Inspector General's role, we do not see where Treasury is charged with establishing any kind of a list. We understand the point of guidance that some Tribes are going to be needing, and we're well prepared with our national organization to provide the kind of guidance and the complexity of various uses that various Tribes will use, because it will differ from Tribe to Tribe. So flexibility is important and not pigeonholing us and not taking into consideration uniqueness that are from Tribe to Tribe.

We want to make sure that both Departments collaborate with Labor with regard to the UI FUTA, unemployment reimbursement to the Tribes. The 50 percent to the Tribes is a penalty for the Tribes. It assumes that we have money to cover the 50 percent that we are responsible for reimbursing the state. That is an error and it needs to be corrected and there needs to be a
government to government consultation on how that's going to be addressed. We understand that these monies can be used for that, but it diminishes the availability of money for the needs of our organization.

We want to emphasize that we think that one of the things you could do, Treasury could do, you could urge IRS to establish some immediate guidance so that these various payments and these various services that we're providing our community to deal with the Covid-19 impact can be -- these payments can be made in good faith and compliance with the IRS Code Section 139W and the revenue procedures in 2014-15 to be clear that they are tax exempt. And that is a matter that is very sensitive to a lot of Tribes regarding how they provide these resources to serve their respective communities.

So I will stop there. We are going to send a letter to provide additional clarification, but I want to note that as we believe that there should be a base, Red Lakes' proposal and
suggestion that there may be a cap is an intriguing idea that might be considered so that there is a balance in terms of available resources to serve the Tribes.

And I do have one more point, and that is we definitely agree that these resources should be sent through the Department of Interior and processed to the Tribe though 638 contracts and self-governance compacts.

Thank you.

MR. CRUZ: Thank you, Chairman Allen.

Dan, any thoughts?

MR. KOWALSKI: No. Appreciate the comment. Thank you.

MR. CRUZ: Thank you for the comments.

Assistant Secretary?

MS. SWEENEY: Chairman, you raised some very compelling points and I would just encourage you to get your letter and your comments in through the Consultation at BIA.gov website and to also include Tribal.Consult@Treasury.gov.

Thank you.
MR. ALLEN: Thank you, Madam Secretary.

We will do that for sure and we are very closely coordinating with our national Indian organizations.

Thank you. (Speaking native language)

MR. CRUZ: Thank you, Chairman Allen.

Just for folks on the phone, we are now at 2:30 Eastern, meaning we're halfway through this Tribal Consultation. I just want to point out we haven't heard from folks in New Mexico, Montana, Wisconsin, Michigan. A lot Tribes up there and Tribal populations, so we'd appreciate thoughts from Tribal Leaders in those states.

Operator, I believe we're ready for the next question.

OPERATOR: The next question comes from Myron Lizer. Your line is open.

MR. LIZER: Yes, thank you. I appreciate all of your time.

This is Myron Lizer, Vice President of the Navajo Nation. And we do have our reservation in New Mexico, Arizona, and Utah. As you know our
population is over 350,000 and we have 290,000
that reside on the Navajo Reservation here.

So I appreciate Assistant Secretary
Sweeney and all those that are on the line --
Department of Treasury, thank you, and all of the
Tribal Leaders. I appreciate you all being on. I
can't say I don't disagree with anybody's thoughts
as we all have issues and monetary needs, you
know, up the wazoo here.

And from the Navajo Nation, I heard
earlier that, you know, you want -- how to
disburse the moneys that's coming to us, you know,
what is appropriate. With all due respect,
perhaps a real time update from our Navajo Nation.
Currently we have 214 confirmed cases, we have
more than 500 tests pending. So on the Navajo
Nation we're experiencing an epidemic and it is
growing rapidly. We're busting out of our seams
in all of our health facilities. We're losing
ground on keeping up with the personal protection
equipment. And I could go on and on. I don't
mean to, you know, complain, but I do need to
alert you that the Navajo Nation is very frustrated right now hearing that we're only going to be receiving $750,000 from the CDC on the first engagement of the stimulus funding that's coming.

So right now we do have a rising, an escalating crisis in our midst. And we have enacted an emergency declaration -- I think it was the same day that President Trump issued a declaration. Again, our public health emergencies that are going on. We have a travel restriction in place, we have a shelter in place. Those are orders. We recently initiated a curfew banning all residents to be out (inaudible) until 5:00 a.m. And in the coming days we're considering closing our borders just to save our people.

President Jonathan Nez and myself, we've been boots on the ground in our respective communities advocating to our people at the highest level, stay home, stay safe, save lives. And so we're really, you know, busting all of our supplies. We only have 53 ventilators in all of our health facilities. And, again, with those numbers that I
stated earlier, we're looking at being short in all these respects.

And so when you ask, you know, how to disburse, this is an appropriate time to I guess, you know, like send out immediate funding as we have National Guard bringing us some 50 beds to I guess provide extra capacity for one our hospitals in Chinle, Arizona, which is essential to the Navajo Nation. But our hot spots are in Chochimbatol (phonetic), a small community of about 800 people just to the Northwest, and in Tuba City, our largest community on Navajo, where these are out two latest spots.

We have seven deaths and I understand that -- this is hearsay texts that people are sending to President Jonathan Nez and myself -- that others are passing away. They're just waiting for confirmation from the coroner. And, as you know, they're probably backed up as well. So reports of further fatalities will be soon coming.

And so I just need to alert everybody of
the current situation here. We are facing a humanitarian crisis here on the Navajo Nation. We've been in contact with the White House on numerous calls, we've also alerted them that we'll be wanting to join our Senator McSally and Senator Daines from Montana in helping provide I guess wording or legislating the next soon coming forth stimulus package that they'll be writing up. And so we want to help join that conversation.

And, lastly, you know, I would like to put on the front burner for the Treasury, we have got President Trump and the Administration's attention as far as Opportunity Zone. You mentioned it earlier. And we want to help develop Indian Countries' efforts as to Opportunity Zones have in the few census tracks here on Navajo. President Trump mentioned Navajo County, Apache County, and Coconino County, and we're certainly devising some packages that we want to help bring to the OCFs to (inaudible) those funds that are out there.

And we would like to, along with our
Congressional partners, not just carve out some funding for payments to Tribal Governments to use for expenditures incurred to Covid-

Public health crisis, but we want to help Indian Country advance or catch up to create parity, that we heard earlier, within the United States' own healthcare offerings in general. For years, the Indian health service has been kept from offering quality U.S. grade healthcare due to the continual erosion of funding that has been awarded for the healthcare in Indian Country. This Covid-19 pandemic has exposed this rather dismal attempt by the Federal Government to honor her Tribal Treaty obligations and Federal Trust responsibilities for numerous decades to the detriment and realization that Indian Country does not have capacity to fully ward off this onslaught of the Covid-19 crisis.

Indian Country needs help fast. And so as the Vice President of the Navajo Nation I appreciate this opportunity. Again, I could go on and on, but those are just some real time updates
-- 214 confirmed cases with over 500+ pending tests. We're expecting the worst. We're doing whatever we can, the President, Jonathan Nez, and I in trying to flatten the curve. And we're again boots on the ground. We're manning roadblocks, telling our people to stay home, stay safe, save lives. And we're just expecting, you know, that maybe as the rest of America, that our peak won't be until May -- mid-May, maybe even early June. But we're fighting like the dickens to flatten that curve and make our peak occur in April.

And so those are just some real time updates. Again, I appreciate this opportunity. Thank you for your time and your efforts. And we'll just continue to pray for all of Indian Country and for all of the United States of America and the globe. And that's certainly what we're doing and taking it that route as well.

So thank you. I appreciate it. Thank you.

(Speaking native language)

MR. CRUZ: Thank you, Vice President
Lizer. We definitely are monitoring what's going on out there. We appreciate your leadership, we appreciate President Nez's leadership, and the leadership of all the council delegates out there to keep your communities safe. I know Regional Director Bart Stevens has been involved and is being as supportive as he possibly can. So please continue to work with him on addressing your most immediate needs and we'll continue to advocate amongst the Federal family here in Washington, DC.

So appreciate your leadership, sir.

MR. LIZER: Yes, sir. Thank you.

MR. CRUZ: Operator, I believe we're ready for the next question.

OPERATOR: The next question comes from Cheryle Kennedy. Your line is open.

MS. KENNEDY: Thank you. Again, my name is Cheryle Kennedy. I'm the Chairwoman of the Confederated Tribes of Grand Ronde in Oregon. And I want to thank you for this opportunity to provide some comments.

I just want to also that we are located
in Western Oregon. Our membership is about 5,600 people. We have about 13,000 acres of land. We were terminated in 1954 by the Western Oregon Termination Act and we restored with all of our treaties in 1983.

So just with that backdrop, based on what I've heard so far, I concur and support the comments that were put forward by the Affiliated Tribes of Northwest Indians, those that were put forward by NCAI, and I also serve on the Northwest Portland Area Indian Health Board that has submitted a letter, and my signature is on that as part of the executive team there.

So I just want to reiterate that Tribes should be treated no differently than states in receiving these funds, that we certify funds, that all Tribes, as far as we know, participate in annual audits. And so clearly we have abided by all of those rules through our self-governance compacts and previous to that our 638 contracts. That should be the mechanism to the annual funding agreement so that funds are distributed fairly and
quickly.

We also want to -- I want to say that in terms of how Tribes are organizing, I just want to express my appreciation to all the Tribal Leaders throughout the country for taking time to review all of the information and specifically Tribes are included in this Act.

I want to just speak up as far as Oregon. There are nine Tribes in Oregon, one very small, some probably do not have resources to participate and to scour the Act itself. And so we need to be mindful. I support that all funds would come through the AFAs, as I believe that most Tribes in the United States do have compacts or annual funding agreements.

I agree that to the various mechanisms for funding that have been deliberated in the 1990s for Tribal shares and how funds are appropriated through the BIA and Indian Health Service space, on most methodologies. We do not need to reinvent a wheel and to try to come up with new methodologies. Tribes at that time were
consulted and that's the funding mechanism that we have today. So I support that.

I do need to say that population does need to be a factor here, as other Tribes I have heard say that as well.

So I don't want to take up too much more time. I know that here are a lot of Tribes probably waiting, as I was, to offer input, but.

I also support that as a threshold there should be a minimum about, but that should not be all that there is. But to expedite the funds and to get them out, that might be a place to start.

I agree with most -- well, one thing I want to say is that I don't believe that there should be a list for priorities, as with states. It's our discretion. Certified funds go to the annual audit for review. And should there be another opportunity, I highly encourage for the Treasury and all departments -- I know you're agencies and you don't lobby, but the need in Indian Country is great, it's vast, and this is just the tip of the iceberg.
So more funding is needed. I support, as businesses, we are the largest employer for our two counties that we reside in. Most Tribes in Oregon are in that situation where the revenue engine for the state. And so we have huge losses. If it had not been for Covid-19, that we would be able to support all of the many -- not only our own Tribe, but organizations that depend on us for funding.

So it's a privilege to offer my comments. And I do believe that it's an opportunity for the Federal Government to live up to its obligations to Tribes.

Thank you.

MR. CRUZ: Thank you, Chairwoman Kennedy. Appreciate your service up there. As a fellow Oregonian, appreciate all you do for the Tribes out there.

And I'll go ahead and say happy early birthday. I understand it's your birthday tomorrow, so I want to say happy birthday to you, Chairwoman.
MR. KOWALSKI: Happy birthday.

MS. KENNEDY: Thank you.

MR. KOWALSKI: Appreciate your comments; very helpful.

MR. CRUZ: Thank you. All right, Operator, I think we're ready for the next question.

OPERATOR: The next question comes from Governor Michael Chavarria. Your line is open.

MR. CHAVARRIA: Yes, good afternoon. My name is Michael Chavarria. I serve as Governor for Santa Clara Pueblo here in New Mexico. I'm also the Chairman for the All Pueblo Council of Governors here in New Mexico.

Some of the issues I've got down have already been covered. But it is very important again to reiterate the Covid-19 pandemic and economic impacts to all governments experiencing a revenue shortfall in the face of increased demand for government services. But, again, without a tax base Tribes rely on businesses to generate that revenue to fund essential government services
such as healthcare, education, public safety, housing, social services. You know, scholarship funding is also very critical. So I'm supportive of those thoughtful next steps to get economic relief on behalf of our Tribal enterprises.

So, yes, Pueblo's Tribes and Nations are all unique. So it is important to remember that one size doesn't fit all. So as I hear on the call, again this money, this $8 billion is not a free-for-all, but specific to those expenses related to the Covid-19 expenses for their intended purpose. But it is important to remember our unique responsibilities we have with the United States of America. And it's been talked about, the trust relationship. That relationship is not race based, it's based upon the political status of the political sovereign governments.

So I believe the deployment of funds be provided directly to the Pueblos with no strings attached so we could support, again, based on the need rather than based upon a formula. Because, as I'm hearing, the allocations will be provided
based on the expenses and costs for Pueblo Tribes and Nations based on that expense for Covid-19.

There it is important for us to tell our story where we can redesign those funds to best fit our needs. And, yes, having a good procurement policy and procedure -- accounting is very critical, because let's go back to the audits. So I fully support that. If you give us that opportunity for us to tell our own story and to best meet our needs within our communities, especially as it relates to expenses of Covid-19.

So, you know, I also have my staff working across the CARES Act registration, as Assistant Secretary Sweeney had mentioned. There are so many other Federal agencies and their existing authorities that, you know, for me I don't want to duplicate services. There's I guess topics, certain provisions with the Indian Health Service, just preservations of other Federal agencies. And so that's very critical that we also look at those things to make sure that we tie ourselves into all those --
SPEAKER: Hey, John, this is Kyle. I couldn't call you from the work phone because I can't merge the calls on the other one. So I'm going to add a call. I'm going to add (inaudible).

So these are the concerns that I do have at this time and (inaudible) overall. So thank you for taking my call and I will submit my questions to the Consultation.BIA.gov website.

So thank you for taking my call.

MR. CRUZ: Thank you.

MS. SWEENEY: Thank you. I don't know if someone is on and they don't have their phone on mute. I'm not quite sure what that background noise was, but I apologize, Governor.

MR. CHAVARRIA: Yeah, because I was hearing talking. I was like who's talking over me. So I didn't appreciate that, but I wanted to keep going. (Laughing) But I know this is a very challenging time for all of us. Like I said, it's not a free-for-all, there's intended purpose for these Tribal provisions. But it's very important
that we look at the overall $2 trillion that's been identified for other agencies, because there are other opportunities through Indian Health Service, through FEMA, through CDC. And as mentioned earlier, Assistant Secretary, with that -- what is it -- $453 million additional funding for BIA operations for Indian programs, you know, I do see $69 additional funding for BIE education, for so many other things that we've got to make sure we review to tie in ourselves to that, because there are other opportunities that are out there.

But the most critical thing that I do see and hear as a concerted effort is making sure that our Tribally-owned businesses are generating that revenue to support Tribal Government operations are also eligible. I know there's SBA and all that, but extreme limitations -- again, going back tax base. So that's also critical.

And so like I say, we go back to the needs because that's what's being asked, how do we provide this money based on the need, based upon
that expense that's been related for the Covid-19 pandemic.

So again, thank you for allowing me to speak this afternoon.

MR. KOWALSKI: And I'd like to remind listeners that there are also other loan guarantee programs that are available to the Tribal Governments and your businesses that are things that you should think --look to as well as you're trying to provide liquidity to some of the Tribal entities.

So it's not just the direct grants that you have available in the CARES Act to Tribes, but there's also loan guarantee programs that can help for some of your organizations as well, like the casinos, for example.

MR. CRUZ: All right. Thank you, Governor. Operator, we're ready for the next question.

OPERATOR: The next question comes from Myra Pickering. Your line is open.

MS. PICKERING: Hello, my name is Myra
Pickering and I currently serve on our Tribal as the second member of the Otoe-Missouria Tribe of Indians. On behalf of the Otoe-Missouria Tribe, based in Red Rock, Oklahoma, I appreciate the opportunity to provide testimony at this important Consultation.

Our message to you is that the Department of Treasury and the Department of Interior must take into account the needs of Tribes that have been hardest hit by this Coronavirus.

With that being said, two of the seven members of our Tribal Council have tested positive for Covid-19. I am one of those. I tested positive on March 24. I am currently in quarantine with my husband and my 17 year old son until April 7. We fear that many more may be carrying the virus, but very few people have been allowed to be tested.

With a citizen ship of nearly 3,300 the number of positive cases, as well as those who are positive but have yet to be tested, constitutes a
state of emergency for the Otoe- Missouria Tribe. Our Tribal Government and gaming enterprises are currently shut down for the safety of everyone. Our citizens, as well as the non citizens we serve, cannot access vital services our Tribal Government provides as the only services provider and an economic driver in our small rural community.

We need the Federal Government to help with our lost revenues, we need to be able to get access to test everyone in our Tribe. We just need as much flexibility with the funds as we can to address our needs.

Thank you for the opportunity to be a part of this Consultation.

MR. CRUZ: Great. Thank you so much for your comments.

Operator, let's go to the next caller.

OPERATOR: The next question comes from David Bean. Your line is open.

MR. BEAN: (Speaking native language)

Good afternoon, Chairman David Bean from the
Puyallup Tribe.

First and foremost I want to thank you for taking this time to consult with Tribes. Tribes across the Nation employ over 700,000 U.S. Citizens and quite often are the largest employers within their respective regions. And, you know, I want to simply say that the $8 billion will not be enough to cover all the expenses.

By way of example, the Puyallup Tribe consists of 5,500+ members. We have a Native American service population of 25,000 from Tribes across the U.S. located within our service area. We have 3,400 employees. You know, like every government organization, our budget is based off of estimate revenues and identified expenses to provide for the overall health, safety and wellbeing of the community members that we serve through education, social services, and healthcare. That's direct and indirect.

Puyallup Tribe, our government is funded -- 90 percent funded from our Tribal enterprises,
gaming, fill in operations, hotels, and a variety of convenience stores and retail sites. We have for decades, you know, assumed the Federal responsibility for providing these costs. Today, we will not be able to continue to do that without the assistance of this money. Today our casino, our hotel, and many of our businesses are closed. Our overall revenue has been significantly reduced because the entire State of Washington is under a stay at home order due to the Covid-19 virus.

Thus as the Treasury and the BIA consider costs that exceed what the Tribe has budgeted for in reality, now all of the costs that I have discussed exceed what is in our Tribally approved budget because these expenses now exceed our revenues. Moreover, the costs that could never have been anticipated even a month ago. These include increased employment insurance costs, additional foods, sanitation, security, cost of new leave mandates, overtime costs, telecommunication, equipment costs, assistance provided to families who have lost all of their
incomes because of Covid-19, construction delay
costs because of the statewide stay at home
orders.

We believe that the allocation of the
remainder of the funds must be based on a Tribe's
known lost and anticipated lost revenue. We
understand that this number will exceed the $8
billion allocated. Thus the funds should be
distributed based on some percentage of the total
amount requested such that the remainder is only
sufficient to meet 50 percent of the Tribe's lost
revenues, then each Tribe would get only 50
percent of its request. Then we need the Treasury
and the BIA to understand what our allowable costs
for the use of these funds are. Allowable costs
must include paying salaries and benefits of the
people who are retained in our enterprises
notwithstanding that we have no revenues. In
addition to the additional unemployment insurance
costs, additional food purchase for Tribe members
and families, sanitation costs, security, cost of
newly mandated overtime costs, telecommunication,
costs, equipment costs, assistance provided to families who have lost all of their incomes because of Covid-19, medical costs, burial costs, construction delay costs. These are just a few of the examples of funds that -- that these funds should be used for.

I want to thank you for this opportunity and we will be submitting a written summary of our statement here today.

MR. CRUZ: Thank you, Chairman Bean.

Dan?

MR. KOWALSKI: Thank you. Appreciate the comment.

MR. CRUZ: Thank you sir. Operator, we're ready for the next caller.

OPERATOR: The next question comes from Leland McGee. Your line is open.

MR. McGEE: Good afternoon. Thank you again for the Consultation. I'm going to defer my question to Chairman Leo Sisco, who is here.

So we wanted to get some clarification on the FEMA assistance to our Tribal Governments.
And what information and advice would you give the Tribes?

MR. SISCO: Do we continue to follow that guidance or is there going to be a new guidance plan now? And, if so, you know, what is that going to look like? Should we continue to work under the FEMA caveat of March 26 and put our empirical data in their format, or is Interior or Treasury going to come up with a different guidance plan? And when is that going to happen?

MR. CRUZ: Dan, do you want to -- I'm not too familiar with FEMA, to be totally up front.

MR. KOWALSKI: Yeah, I mean I'm not anticipating that you're going to have to have a package to submit in order to receive reimbursement for eligible expenses. But I'm more envisioning that you would have to be able to pull the records if requested after December 31, after the availability of the funds has expired.

So I think it's a little bit different than FEMA. I don't know in detail what they ask
for, but I'm thinking more you have to make sure that you're able to code your expenditures, say that they were Covid-19 related, and then be able to pull those out of your accounting system when it comes time if you should be audited by the IG.

MR. McGEE: So why does it have to be a timeframe of December 31 if this is ongoing?

MR. KOWALSKI: The statute says this pot of money is available for expenses between 3/1 and 12/31. That's why I come up with that.

MR. McGEE: Now, it's like a -- a Tribal Administrator had just addressed that if they come out with a new package, do you know -- shouldn't the Tribes be on the front lines to receive these funds since we have a great impact in all our communities?

MR. KOWALSKI: Yeah, I can't speak to any kind of next package. I just know what it is that I need to try to implement right now. So I can't really speak to that.

MR. CRUZ: And we concur with that statement.
MR. SISCO: I think more along the lines we should be establishing ourselves as a direct recipient from Treasury and Interior, and however you guys are going to work that out, versus the former guidance of March 26 that said we had a choice to either be direct recipient or a sub-recipient under the state. That sub-recipient is not something we would ever consider.

MR. KOWALSKI: Okay, but that's for a different program. And so for the Coronavirus Relief Fund that we're discussing today, there has never been any doubt in my mind that the Tribes are entitled to be direct recipients. What we're working with BIA to come up with is what is the most efficient way to deliver the funds that you're entitled to and to use this Consultation to figure out what is the most equitable way to determine what a Tribe is entitled to.

MR. McGEE: So how long is that formula going take to process to where we see monies coming to our Tribes?

MR. KOWALSKI: Our plan is to have money
transferred on or about April 24.

MR. SISCO: And we will submit our empirical data too between now and then.

MS. SWEENEY: So --

MR. KOWALSKI: Now, you won't need -- yeah, I don't think.

MR. CRUZ: Go ahead, Tara.

MS. SWEENEY: Thank you. I want to be clear that the call today is specific to the $8 billion set aside for Tribal Government, which is very different than the process that is required by FEMA to receive aid when an emergency declaration -- when a Tribe has an emergency declaration. And the requirements for FEMA to receive their aid or their reimbursement is very different and very separate from the process that we're talking about here.

So when you're talking about empirical data, those are requirements that are imposed by FEMA for their tracking and their own purposes, and it's separate from the methodology that we are seeking recommendations from Indian Country and
Alaskan Native communities and very separate and
distinct on the recommendations we're seeking for
qualified expenditures.

MR. SISCO: Well, I appreciate that,

Madam Assistant Secretary.

Prior to this call, we, like probably
many other Tribes in the United States, were under
the assumption that we were going to go after
reimbursement funds through FEMA. It sounds to me
like we may want to do a dual tract here, but if
we do pursue emergency relief under FEMA as a
direct recipient, is that going to count against
us when Treasury and Interior are coming up with a
formula or a guidance document of some type for us
to secure of the $8 billion stimulus money?

MS. SWEENEY: Thank you for your
question. Those are completely different, I would
say, pots of money. And what a Tribe seeks to
declare and work with FEMA on in terms of
financial assistance is separate and apart from
what we're doing here.

MR. SISCO: Thank you for that clarity,
Madam Assistant Secretary.

MS. SWEENEY: Absolutely.

MR. CRUZ: Great. Thank you guys so much.

MR. SISCO: Thank you.

MR. CRUZ: For the record, can you guys remind me what Tribe you're with?

MR. SISCO: We're with the Santa Rosa Rancheria, Tachi-Yokut Tribes, Central California.

MR. CRUZ: Thank you, sir. I'll use that opportunity to remind folks on the phone it's now 3:00 o'clock Eastern. And when you're up please announce your name and your Tribal affiliation.

Operator, we're ready for the next caller.

OPERATOR: The next caller is Thomas E. Robinson. Your line is open.

MR. ROBINSON: Thank you. Thank you, Mr. Chair, and thank you, Assistant Secretary Sweeney.

Some general comments and then I'll pose
some questions shortly. And just a brief
description geographically where we are located.
I am the President of the Qawalangin Tribe of
Unalaska Dutch Harbor in the Aleutian Chain. We
are the number one fishing port by volume in the
Nation. We have a Tribal population of over 800.
And so we are an international port, we are an
Arctic community.

So what I would like to -- these
questions will be directed to Assistant Secretary
Sweeney. And as all of you know, we in Alaska
possess 40 percent of the Tribes within our
Nation. And for Tribal Governments to participate
in some of the economic dynamics, a lot of that
has been obligated to either a regional
corporation or a village corporation. And
indirectly, our village corporation, we are -- the
majority of our Tribal members are participants of
our village corporation, and that is the direct
driving force of our economy. Our economy
generates right about $3 billion gross a year. So
the economic impact impacts us directly, but only
through our village corporation.

So some of the line items that I would like to address are questions directed toward Secretary Sweeney and regarding line items such as economic losses through our village corporation would be directly affected.

But I would like to make some comments. We are a sovereign nation, we are a self-determined nation. We are not a 638 compact Tribe. And my question to Secretary Sweeney is what does the Alaska Regional Tribal Budget Committee at the BIA, how do they participate in this dynamic? I did participate on that board. And also, at what degree -- since a lot of the Tribes in Alaska are represented by consortiums, what we feel is we have been underrepresented in the Aleutians. We don't even possess the Tribal clinic. We have a rented facility. And we feel that our trust responsibility has not been met by the consortium that represents our healthcare needs.

So what we are doing is we're currently
addressing and assessing our healthcare needs on
the island. Right now, we are supported by a
501(c)(3) entity on the island that has been
delegated the trust responsibility to oversee our
healthcare. So what we would like to address is
our asserted efforts in the past to secure funding
for a hospital. And a lot of you do not know
this, but our hospital was bombed by the Japanese
during World War II. It was a nine room facility
and the Navy proceeded to tear the building down.
There never was a facility re-erected and the BIA
sold the real estate in 1945 during the creation
of the township. So we have been approaching and
trying to secure hospital funding for seven years.
I've been on this council for nine years, I've
been acting as President for six years, but what
we do have is an egregious situation in the
Aleutian Chain, the number one fishing port in the
Nation, without proper testing equipment. We do
have an emergency -- we will put out an emergency
declaration, but we'd like a rapid testing
procedure for the island.
We have a huge, large international population that comes from all over the world to work in our community. And right now we are lacking PPEs and other equipment and we would like to be able to have that equipment on the island. Right now the Governor has imposed an in state travel ban, but we feel that, you know, a lot of the rules aren't being followed. So we live on an island, we are a very vulnerable population, and we would like to be able to at least have equipment on hand, PPEs, a rapid testing machine that we can do the diagnostics on the island, and to move forward since we are an important, integral, economic driving engine that is one of the top economic engines within the State of Alaska.

So, granted, I've heard comments, and I appreciate everybody's input. I heard the population of -- even though we do have a small population, but I think there's a degree of economics that has to play a role in how we participate in the State of Alaska.
But, anyway, I do have those questions directed towards Assistant Secretary Sweeney. And we look forward to getting a lot of our questions and comments on paper and submitted by the deadline.

Thank you.

MS. SWEENEY: Thank you, Mr. Robinson, for your comments. And certainly I am aware of the challenges of many of the communities throughout Alaska, the challenges of traveling to remote communities, especially in your region. When you look at the weather and the availability of flights and just the general cost of living. So the comments that you're making certainly resonate with me.

And what I would like to do is suggest that you reach out to the regional director, Eugene Peltola, Jr., as a resource. As you are looking to secure supplies, Alaskan Native Health Consortium is the incident command for Alaskan Native Health in the state. They are certainly working alongside the State of Alaska and with
other Federal partners to ensure that Alaska has ample supplies for the Covid response and mitigation in the state. And there are channels that Gene can help your Tribe work through.

I would also like to invite you to the Tribal calls that take place twice a week with BIA and with our Federal partners that participate. And, again, reaching out to Gene Peltola with the office in Anchorage is a first step.

And I look forward to seeing your comments. You also raise a valid point for consideration in terms of population and other multipliers to be considered during the formulation of the methodology.

So thank you very much.

MR. ROBINSON: Well, thank you, Secretary Sweeney. Because you all know that the Aeultian Chain and our community is the regional hub for the other outlying communities, Akutan, Nikolski, and Atka. So regardless of this virus, other -- they have to go through the community to get to their community. And there are and will be
(inaudible) opportunities that will arise and we look forward to exploring the loan guarantee program to enhance Tribal stability.

But I look forward to consultation with you and thank you for allowing me to have the floor.

MR. CRUZ: Thank you. Operator, next question.

OPERATOR: The next question comes from Chief Crappel. Your line is open.

MR. CRAPPEL: (Speaking native language) Chief Crappel, United Houma Nation, down in Louisiana. We are the largest Tribe out of 15 Tribes. I have over 17,000 Tribal citizens. A lot of our people are fishermen and things like that. We are a state-recognized Tribe. Are any of these funds available for state Tribes?

SPEAKER: I think it's Federally recognized.

MR. CRUZ: Yeah, correct, Federally recognized. So we can off line if you have any questions and see where we can be helpful. So
thank you for calling in.

Operator, we'll go to the next question.

OPERATOR: The next question comes from
Chief Michael Conners. Your line is open.

MR. CONNERS: Yes, good afternoon. This
is Chief Michael Conners from the St. Regis Mohawk
Tribe. We are located in Akwesasne in New York
State.

Just a little background, last week our
casino had lay off about 700 employees and this
week we'll be at about 750 of the total workforce
of 775 laid off. And our Tribal Government, we
have had to lay off approximately 320 of our 720
total employees. And that was announced to them
yesterday.

Our comments are it is likely that for
all Tribes that expenditures have been cut to
essential and critical levels. Most will have
significant additional unbudgeted expenses and all
are likely now in crash critical mode.

Our four main recommendations moving
forward include (1) the need for a streamlined
application process as simple as a revised Covid specific budget going from March 1 to December 31 and a Tribal Council certification. That would be the best and easiest way to move forward. But we can't have many cumbersome requirements. And that will help speed up the process for all. Also, it will be hard to be equitable to all 578 Tribal Governments. In a few days, the Tribes are already modifying budgets based on additional expenses with no revenue, and these modified budgets would be the most equitable solution.

Second, we need a one to three day turnaround on applications, including one-on-one technical assistance with the opportunity to revise as necessary.

Third, it is critically important to be flexible in evaluating applications and distributing funds as every Tribal Nation has different needs, different systems, and different requirements. We need the flexibility for each of our unique situations.

Fourth, if an Indian Tribe were to
borrow from the $500 billion stabilization fund to cover these shortfalls for cash flow needs after receiving their share of the $8 billion relief fund, such loan should be forgiven as part of the government's trust responsibility.

Thank you for considering the Mohawk Tribe's comments and recommendations.

MR. CRUZ: Thank you, sir. Treasury, did you have anything?

MR. KOWALSKI: The only thing I would say, I think it would be difficult under the terms of the $500 billion for those loans to be forgiven without additional -- without an additional Act of Congress, frankly.

We appreciate your call for flexibility and we certainly to provide as much flexibility in the use of funds as possible. And we are thinking of this as not being so much as an applied for fund but as funds that you would be able to receive, use, and then if asked, be able to demonstrate the appropriateness of use.

MR. CONNERS: Thank you.
MR. CRUZ: All right. Thank you, sir.

Operator, we're ready for the next caller.

OPERATOR: The next caller is Julian Bear Runner. Your line is open.

MR. BEAR RUNNER: Good afternoon,

members of the leadership, the Department of the Treasury, as well as Deputy Secretary Tara Sweeney. I appreciate this time and opportunity.

I am the President for the Oglala Sioux Tribe located in Pine Ridge, South Dakota in the Great Plains Region.

I do want to take this time to use this as an example of, you know, the Tribes here in the Great Plains, you know, always being forgotten. I didn't hear anybody mention anything about the Great Plains. You know, as a leader of the Oglala Sioux Tribe I'm asking for direct funding to come directly to the Tribes and not to be administered through the Department of Interior or the Bureau of Indian Affairs because that just creates additional red tape for the Tribes.

And I really specifically want to
highlight, you know, we all know that the needs of Tribal Nations that we all face, you know, but however the Oglala Sioux Tribe specifically, you know, we are still severely underfunded, whether it be healthcare and education or infrastructure. And as you all should be aware, last year we faced a storm, our bomb cyclone Ulmer, that created a huge setback and we're still waiting on funds and assistance from FEMA. And, you know, we have over 3 million acres, over 55,000 membership. So this funding should be directed to one, these large land based Tribes, especially the Great Plains, as well as by membership. You know, these funds are Tribal dollars and, you know, our membership is -- this assistance will go to directly impact actual Tribal members.

And, you know, here with 3 million acres, you know, one, our ambulance service is severely underfunded, we're lacking PPEs. And so with the response time for our law enforcement, as well as our emergency medical services, you know, it's a severe need for us here in the Great
Our IHS only has six respirators. You know, the virus or Covid-19 is encroaching on our travel borders, which has led to a shutdown of our borders, as well as, you know, a shelter in place and a curfew.

So I, you know, really want to advocate that you really look at the needs of the Tribes. And I'm also asking and putting a call out to other Tribes that we exercise our values and, you know, don't take more or request more than we actually need, because that creates, you know, a burden and a hardship on those that are already financially impacted by the struggles that we face as Tribal Nations.

With the housing shortage here on the Pine Ride, you know, we have approximately five to sometimes nine families in some of these households. So you can imagine if one person is to come in contact or be contaminated with the virus, the severity of the cross contamination and the impact that it's going to have on our
healthcare and our, you know, hospital.

You know, also small businesses. You know, we're also heavily reliant on our casinos. Our casinos have been shut down for funding. So, you know, again it's a hardship, but again I want to advocate -- you know, also as the Vice President of the Great Plains Tribal Chairman's Health Board, you know, for the Tribes here in the Great Plains, and also as the Vice Chairman of the Coalition of Large Tribes, that we need to be critically, you know, assisted by this funding because it's very detrimental to us in larger ways than it is a smaller Tribe.

And like I said, you know, we've been -- you know, any amount of funding that we receive from this $8 billion, you know, isn't even going to -- it wouldn't even put us ahead. You know, it's probably going to barely bring us up to be able to provide the basic services. You know, we still have people that are without running water.

You know, just the needs, with the highest poverty rate in the country. You know, it's very
detrimental to us as a Tribe. And, you know, like
I said, I want to speak specifically for those
large land based Tribes, as well as the Great
Plains.

But, you know, specifically earmarked
for the Oglala Sioux Tribe and to be immediately,
you know, available for Tribes for direct funding,
other than funneling that money down through
channels that are normally utilized by Tribes,
such as the Bureau of Indian Affairs.

So with that, you know, I just -- I
can't even touch on what we're facing. You know,
we haven't had no positives as of yet, but then
again, we lack the testing capabilities here in
Pine Ridge, as well as the State of South Dakota.
So, you know, we really -- we have people that are
reaching out to us that are wanting to provide
alternative testing measure for the Tribe, but,
again, due to the lack of funding and what we face
as the Oglala Sioux Tribe, you know, it's very
hard for us to try to acquire those test kits.
Last I knew, Pine Ridge had at least 24 test kits.
You know, and there's such a heavy criteria that we're not being able to proactively test to see who is actually testing positive or may already be carrying the virus here within the boundaries of the Pine Ridge.

Thank you.

MR. CRUZ: Thank you, President Bear Runner.

MR. KOWALSKI: I have a question for the President. So what do you think about land mass as an indicator of relative need? We've heard a number of people talk about population and you talk about the size of your Tribal land. How well correlated is that to needs in your view?

MR. BEAR RUNNER: Well, you know, that has a tremendous -- I mean it creates a tremendous need because like our ambulances are school buses. Again, our roads are already, you know, almost nonexistent. You know, they're deteriorating fast. And so it creates a snowball effect that one, the vehicles. That it's having -- our emergency vehicles are being mileaged out. And
then to respond to somebody that may have
contacted the virus or to assess those needs, you
know, the hardship that it creates in the
responding to the calls for service.

             MR. KOWALSKI: Understood. Thank you.

             MS. SWEENEY: Thank you, President. I
also just wanted to remind folk again, the
separate appropriations for Bureau of Indian
Affairs at $453 million. We are currently working
to utilize those funds to meet the direct needs of
Tribes. And those funds again may be available
through the Tribal Priority Allocation. And we're
working very hard to get them out either by the
beginning of next week, but no later than next
week.

             MR. CRUZ: Great. Thank you, President
Bear Runner. Operator, we're ready for the next
caller.

             OPERATOR: The next caller is Glen
Gobin. Your line is open.

             MR. GOBIN: Good afternoon. Glen Gobin,
Vice Chairman of Tulalip Tribes and we are in
Washington State. And we've had numerous leaders speak and talk about different issues that they see, possible formula solutions and they're all very valid. But it also gives an example of the wide and varied the impact to each and every Tribe and the disparity in issues that we deal with at different times.

We want to support and ask that you use that interpretation of the laws in a manner that reflects the direct correlation of Covid-19 on the loss of our revenue. And that Tribes depend on that to run our government. I don't believe that any of us are looking to be made whole, you know, gain profits back through any of this, but we're looking to maintain essential staff in a place that still keeps our business solvent. And we're looking to get revenues, funding for essential staff for our governmental functions and to build upon that as well.

Today, Tulalip has 3,500 employees roughly. We've paid them all to stay home, with the exception of essential staff, but that cannot
continue. We are going to be starting with layoffs and furloughs, which will be starting soon. But even at that we've elected to pay health benefits for the next two months for those furloughed employees.

What we're looking for is clarity and direction as to what impacts will qualify for inclusion in this. Again, we're asking to use that expansive reading of the language that you said is your intent as we go forward with this.

And as far as a formula, I understand the population base coming forward and the issues that Tribes have with small Tribes versus Large Tribes, Large land based, but we believe one of the factors that also needs to be factored in -- and it fits within the economic factor of what this means -- is the number of employees that a Tribe has.

And so I just thank you for the time again to hear our concerns and our comments, and look forward to some quick responses.

MR. CRUZ: Thank you, Vice Chairman
Gobin. Dan?

MR. KOWALSKI: Thank you. Thank you for putting employees as another thing that we need to think about in our weighting scheme that we may have to come up with. Appreciate that.

MR. CRUZ: Thank you, sir. Operator, we're ready for the next caller.

OPERATOR: The next caller is Lawrence Solomon. Your line is open.

MR. SOLOMON: Good morning, or good afternoon. This is Lawrence Solomon, Lummi Nation. Tara Sweeney, Dan Kowalski, thank you for taking time and we appreciate this Consultation today.

In Lummi we have 17 confirmed positive cases of Coronavirus. So this is why we appreciate this Consultation today. Today we are working together, protecting our elders, our history, our elders, our culture, our children, and our future. The Lummi Nation is located in Washington State, which is ground zero for the Covid-19 pandemic in the United States. We share
the important message that we cover healthcare first and foremost, in our hearts and minds and in our actions moving forward.

The Lummi Nation has been impacted by Covid-19, our health, behavioral health, culture, and economy, our mind, body, and soul. Our people have been responding to this crisis since January. The Indian Business Council declared a state of health emergency on March 3. Our public health teams identified two possible cases of Covid-19 on March 10. One of those possible found out they were positive for Covid-19 on March 12.

We have closed our school, we have reduced staffing in essential services only. We have closed our casino, our housing authority has forgiven three months of rent and mortgage payments, and has suspended evictions.

On March 22 we implemented a shelter in place order for all of our people on the Reservation. We have spent over $175,000 in the month of March in response to the Covid-19 pandemic. We are building an alternative care
space because our local hospital is too small.
The alternative care site is estimated to cost our Tribe $3.8 million. Our disaster related health visits in emergency rooms in Washington State are close to 100,000 over the last 3 months.

So we share the important message that we cover healthcare first and foremost in our hearts, in our minds, and in our actions moving forward.

So this is one of our questions, what would a formula methodology to allocate the $8 billion look like?

That's my question to you, but I want to continue on.

We recommend that the current Indian Health Service methodology through our Tribal once a year Funding Agreement, these funds have been negotiated between sovereign Tribal Nations and the Federal Government -- the mechanism is already in place. What qualifies as an expenditure related to Covid-19? The Covid-19 pandemic has demonstrated that the Tribal Nations need
investment in public health and in public health infrastructure. Our public health team expects this virus to be a reoccurring event, much like the flu. An investment in public health infrastructure will help Tribes better respond to future public health crises.

We will also submit a letter and comments. Wash your hands, stay home, stay safe.

(Speaking in native language) Thank you.

MR. CRUZ: Thank you, sir. Treasury?

MR. KOWALKSI: Yes, thank you. I can tell you that I don't really know what a distribution looks like at this point. That I think is the point of the Consultation. I know we are interested in working with BIA and learning from BIA what models are out there for distributing funds. And it's good to hear that you think that there's one that may be appropriate for this particular crisis in the IHS, and that may be something to look at.

I think the types of expenditures that you mentioned in your comments really are the
types of expenditures that we're thinking are eligible here. Some of yours occurred before the date of the statute, March 1, but they are the types of expenses that I think should be covered by this fund. If you need to develop temporary facilities for the care of people because of Covid-19, clearly that's a crisis-related expenditure that should be eligible for these funds.

So I think you're generally thinking about it the right way. You know what they are and we do intend to build that flexibility into the system.

MR. SOLOMON: Thank you, Dan. We really appreciate, you know, to be fair and transparent for the distribution of these finds.

MS. SWEENEY: Thank you for your comments. And we've been tracking the progress in the Northwest, especially within the Lummi Nation. As you guys have been, in fact, at ground zero in dealing with the community spread. I am thankful for the guidance and the partnership that the
Northwest Regional office has had with the
Northwest Tribes in serving as technical
assistance.

You're raising some very valid points,
observations, and suggestions that are meaningful
and certainly are going to help guide our
discussions internal to Indian Affairs. So I
appreciate your perspective.

MR. CRUZ: Thank you, Assistant
Secretary, thank you, sir.

MR. SOLOMON: We also support NCAI and
Northwest Portland Area Indian Health Board's
comments also.

Thank you.

MS. SWEENEY: Thank you.

MR. CRUZ: Operator, before we go to the
next call, folks on the line, we have about 30
minutes left. I'd like to hear from anybody from
Montana or Wisconsin or Michigan. We haven't had
any Tribal Leaders call in from those states, so
if anyone is on the line.

Operator, we'll go ahead and go with the
next available caller.

OPERATOR: The next caller is Joe Bunch.

Your line is open.

MR. BUNCH: Hello, good afternoon, and certainly thank you all for taking the time for today.

In listening to all of this, there are literally some major concerns here in terms of what is an expense and what is not an expense, and certainly the discretion in using the values that are out there.

The question I have -- and let me back up just a little bit that I'm Chief of the United Keetoowah Band of Cherokee Indians in Tulsa, Oklahoma. Our population is about 14,000. We reside in nine full counties and four partial counties. So this has been very rough for us in terms of our elders and our families, not necessarily congregated in and around the hub of the government, but literally anywhere from 10 to 100 miles away. And getting much needed supplies and appointments and just getting checked beyond
the welfare of our Tribal people has been very
difficult.

I do want to make this comment in terms
of I do believe that in Tribal Governments as
sovereigns should have the discretion to make
those decisions as to what is allowable costs and
so on. And certainly we heard -- we're one of the
Tribes that are without a casino, one of the
Tribes that have very limited Federal dollars
coming into our organization, and so we're looking
to you for these answers.

Another question I do have in terms of
this, as I'm listening to all of this --
originally I had planned to ask what is the
application process, but what it appears to me now
is that this conversation has disclosed that there
will be -- the Treasury Department is going to
send monies to the Tribes. They're just going to
-- there's no application process, there's nothing
of that nature. Is that what I'm hearing out of
this?

MR. KOWALSKI: Correct, sir.
MR. BUNCH: Okay. Well, I have, you know, the fair way of doing this based on population, based on land, based on some of these other things, the grants that are already there, 638, (inaudible), and that sort of thing. For us smaller Tribes, sometimes there's no equality in those types of (inaudible). So I look forward to sending some kind of a response to that in document form.

Again, I certainly thank each and every one of you. And, again, wash your hands, distance yourself, and thank you all.

MR. CRUZ: Thank you, Chief Bunch.

Operator, we're ready for the next caller.

OPERATOR: The next caller is Rick Peterson. Your line is open.

MS. BOYD: Hi, this is Nicole Boyd, Planning Administrator for the Red Cliff Band of Lake Superior Chippewa on behalf of Chairman Peterson. Thank you for the call today.

We want to express that any Tribe such as ours are already still trying to meet our basic
needs and not our wants. We need facilities for our youth and elders, our police, our transit, and buildings for our health services programs. We are already at a deficit even with (inaudible), such as Covid-19.

The goal of the CARES Act is to offer support during and after our traumatic situation. The response should be timely, temporary, and targeted. The methodology spoken by previous leaders, we do understand, however, we want to ensure that poor Tribes have an equal opportunity, that assets may be taken into consideration in formula development. It's not personal, it's to ensure that poorer Tribes are equally recognized.

We do support regional allocations with equal amounts to each Tribe. The IHS formulas are there, they exist, but they're not meeting our needs. We're historically underfunded, and we've been reporting our needs to IHS for many years. The BIA as well. They are aware of our fully funded (inaudible) needs and the underfunding for many years.
We support using existing mechanisms with current contracts, including interagency transfers. We do not support considering Opportunity Zones in determinations. We want to take into consideration our number of patients that use our Indian Health Services facilities, not just our Tribal enrollment or on reservation populations. Many Tribal members are unable to live within the boundaries and so we want to consider that as well. We would like to consider our number of employees. We do not support any set asides for hot spots, any additional set asides be non competitive and automatically added to any awards, and that no cuff (phonetic) extensions be considered. The added cushions right now are not the goal. The goal is to help our communities and not add stress or requirements.

We would like to see necessary expenditures be flexible. Any needs that we self-identify, as many other leaders have stated. Reimbursements, although those are in some of the
other Acts as well. We would like to ensure that
our most vulnerable population's needs are met,
including elders and those experiencing any other
danger increases. We are seeing an increase in
cyber issues, so we would like to see cyber
security as a qualifying expenditure. Broadband
expansion -- as I stated earlier, we are still
trying to meet our basic needs and not our wants.
We would like to be able to self-certify any
outcomes. We'd like to see economic recovery. We
would like to see private partnerships be
approved. And we would like to allow full
administrative costs with no caps and respect our
local indirect cost rates. Capital development
for social service program development and
expansion. That infrastructure needs be allowable
and culturally specific activities be allowable,
including food.

We do encourage Tribal representation
for Consultation with the Department of Labor and
we also support our National organization
partners, including NCAI, National Indian Health
MR. CRUZ: Thank you, Mrs. Boyd. I know we have Tribal Leaders on the line, so Operator, we'll go to the next caller.

OPERATOR: The next caller is Diana Zirul. Your line is open.

MS. ZIRUL: Thank you. This is Diana Zirul. I am Secretary of the Tribal Council for the Kenaitze Indian Tribe in Kenai, Alaska. I'm also Chair of the Kahtnuht'ana Dena'ina Health Board for our Tribe. And I also serve as a Co-Lead Negotiator for Alaska Tribal Health Compact, which includes 20 Tribal health organizations with individual annual funding agreements for the 229 Federally-recognized Tribes throughout Alaska.

As a Kenaitze Indian Tribe we have over 1,600 Tribal citizens and we provide services to over 6,000 American Indians and Alaska Natives who live on our traditional land. We also have over 300 employees and we are the second largest
employee in our borough.

We have, as a result of the Covid circumstances, had to suspend certain services within the Tribe, not only to protect our employees, but also to protect our Tribal citizens and ensure that their health and safety is first and foremost in our minds. And with that we are trying to maintain those employees by continuing to fund their payroll expenses in order that when we begin to ramp up our services on the other side of the crisis we will have that expertise available. Hiring and retention of employees in the State of Alaska is very difficult because there's not always an abundance, especially in areas such as our healthcare providers, our behavioral health clinicians, and others throughout our services.

We wish to express the appreciation for the opportunity to provide input on the funding mechanism for the CARES Act and also, as others have stated, support the existing funding mechanisms through the Title V and 638 Annual
Funding Agreement. I think that is very critical. I'm a little bit concerned when I hear we're looking at how do we do this efficiently, how do we not delay getting the funding to the Tribes. We have a mechanism that works very well and we may have minor issues here, but if I look at -- and would like to point out -- the success of the Tribal compact throughout the State of Alaska and the self-determination that we as individual Tribes and Tribal health organizations throughout the state in determining our needs and making sure that each community's needs are being met, not something globally.

As we know, Covid is -- even though it's a global pandemic, it does not necessarily treat us all the same. We in Alaska are doing a lot of things like other states to ensure that we don't go into the crisis mode that's being experienced in Washington or New York City. And as such, the Tribes are trying to ensure that their communities are taken care of and that we don't have a crisis.

For example, I appreciate Tara's
comments regarding lack of water and sewer, multigenerational homes, the screening for air transportation to get our supplies into our communities, and the food shortages. This is a significant impact to our rural communities, and even in a community the size of Kenaitze, where we're on the road system, where we have daily flights, and because those individuals who are coming into our communities to deliver supplies and other goods could be bringing the virus into our area. If that happens in a small rural village, such as a village of maybe 200, it could decimate that village. And it is -- because of all the reasons that were mentioned -- the water and sewer -- we have over 3,000 homes in Alaska that do not have running water or sewer. Those homes in our rural communities, as were mentioned by Navajo Nation and several others, are generally multigenerational homes. So, again, one individual in a home that becomes positive could devastate a family.

I think that -- I do, we do as well
support that this funding not go through the state
and that we have parity with the state. I think
that is critical. We are a government with a
relationship with the Federal Government and a
trust responsibility to the Tribes and we should
not be treated as second class citizens with that
and have the funding go through the state. And,
as I understand it in the discussions today, that
does not appear to be the mechanism that will be
looked at.

There should be some recognition in the
disbursement of these funds when we look at the
indirect cost associated with it. So for us to
deliver the actual services there is an
administrative cost that has to be taken into
consideration. I think that, you know, it's one
of the things, you know, that comes across our
minds is looking at what are the immediate needs
and what is totally Covid related.

And I think it is very important for us
to consider what happens on the other side of this
and as we begin to ramp back up and provide our
services. Our education is shut down, just like everyone else, our health clinic is not seeing routine type visits. We are accomplishing some of that through telemedicine, but we do realize that we are creating backlogs of services that have assisted us over time to promote the health and wellbeing of our membership.

I think that that is really critical. Our dental services, for example. Our behavioral health, we've had to come up with a unique way to provide that so that we can continue. And as we look forward we know that -- feel very strongly that there will be devastation for the mental health of our members as well as the increased substance use. You know, again, any kind of an economic downturn, those things put a lot of pressure on our members and those other beneficiaries that we serve in our area.

So how are we going to on the other end of this crisis ramp up and be able to do that? The retention of our staff is very important and very critical. I know there are some other
funding sources and we are looking at that, but this funding here I think should be also considered in that.

The comment was made about hazardous pay and the ability to keep people on site. We kept our 300 employees; we're down to just over 70 where we identify those critical onsite individuals. Those are our healthcare providers, those are our custodial staff, those are our drivers who are delivering meals, where each and every day they're exposing themselves to the potential of becoming the next Covid positive test. And so it is important that we recognize -- and that is a cost to us -- to recognize what these individuals are putting forth. And so I think that should be considered as well.

I think that --

MR. CRUZ: Ma'am, we're running out of time and so I --

MS. ZIRUL: Oh, thank you. And I will cut off by saying that we do believe that the funding agreements that are currently in place
would be in the best interest.

Thank you for your time.

MR. CRUZ: Yeah, thank you. Thank you for your comments. They will be a part of the record.

Operator, next caller.

OPERATOR: Next caller is Tehassi Hill.

Your line is open.

MR. HILL: (Speaking native language)

Tehassi Hill, Chairman for Oneida Nation, located in Wisconsin. I am speaking to you on behalf of more than 17,000 tribal members and also as Secretary-Treasurer of Great Lakes Inter-Tribal Council, a consortium of most of the Tribes in the State of Wisconsin and one in the State of Michigan.

And so with the passage of the Family First Act and the CARES Act Congress delivered historic relief to main street America. The law includes hundreds of billions of dollars in emergency loans to help small businesses survive and to keep paying their workers. The law also
provides hundreds of billions of loans to secure and stabilize large employers and to help them prevent or reduce layoffs.

While both initiatives were well intended, neither are proving suitable for Tribal Nations or our enterprises. For example, the SBA 7A loan program is not open to any business that receives more than one-third of its revenue from gaming, and the large loan program may require Federal Government taking a stake of our enterprise, a requirement that would violate the sole proprietary interest provision of the Indian Gaming Regulatory Act.

Fortunately and thankfully Congress provides Indian Country with the pathway to preserve our economic resources by making the $8 billion available from the Coronavirus Relief Fund. Oneida Nation, like many other Tribal Nations, is unable to utilize the tax base to generate revenue, like states or counties. The Nation relies upon enterprises and Tribally-owned businesses to produce revenue during the fiscal
year to fund government programs that expend those dollars in the same fiscal year as revenue being earned.

Today I implore Treasury to provide Tribes with guidance. We need to make informed decisions about the future of our Tribe and our employees. Specifically, we request the Treasury to let us know immediately with the Coronavirus Relief Fund can be used to continue paying our employees. Currently Oneida Nation's employment base is approximately 2,800 employees with an average weekly payroll of $2.4 million. Due to this national crisis our gaming operations are closed and our remaining revenue generating operations have been severely impacted. As a result, we would only be able to sustain our workforce until April 11, 2020. After this date, we will need to implement significant layoffs. In addition, we request whether the fund can be used to offset new unemployment insurance expenses that might be owed to our respective states in the event that we have to furlough or lay off our employees.
employees.

Guidance on these two issues will provide Tribal Leaders with the tools we need to make critical decisions about our largest expenses. As you know, and as many of my fellow Tribal Leaders will attest to, our most recent budget expenditures never foresaw paying employees in the midst of a pandemic that has shut down the vast majority of the Nation's revenue generating operations.

In closing I will provide you with a few other critical expenses Oneida Nation has identified that would not burden us had it not been for the invasion of Covid-19 into our communities. These include, but are not limited to, the Nation's health division as accumulated about $781,000 in healthcare expenses related to outreach, education, preparedness, and response concerning Covid-19. This does not include lost revenue due to decrease in routine patient care, such as non emergency medical, dental, and optical services. The Nation is lacking in lifesaving
supplies needed to ensure the safety of our staff, patients, and community.

Oneida Engineering, Science, and Construction Group has seen a loss in revenue in about $2.45 million the month of March and anticipates an additional $1.2 million each month thereafter. The Nation's hotel has suffered about $716,000 in lost revenue for March and is expecting a loss of $922,000 in April. And delays also in closing dates on property purchases and a moratorium placed on property that we recently required, the Nation would lost about $10.4 million in land purchases.

MR. CRUZ: Chairman, would you like Treasury to try to answer your questions and then -- well, we're running out of time, so I wanted to take --

MR. HILL: I've got like one little paragraph left and then I'll be done.

Our Nation's school system, including the Head Start, language immersion, K-12 are closed and K-12 are finishing school virtually.
Our gaming and enterprise revenue funds a higher education scholarship to assist individuals in attaining their higher education goals. Due to our operations being shut down, about 700 students will experience a significant reduction in their funding, between 70 and 80 percent.

Finally, I understand that the Department of Interior has been asked to develop a process for the delivery of the funds to the Tribes. Oneida Nation, a long-time self-governance Tribe, would be comfortable accepting the disbursement through our existing compact, resources, and systems.

And I thank you for your consideration of my request.

MR. CRUZ: Thank you, Chairman Hill. Dan, do you want to?

MR. KOWALKSI: Thank you, Chairman Hill. I like the very specific ask that you have and appreciate the sense of urgency on the payroll.

I am not in a position to answer those two big questions right now, but I -- from all of
the proceedings today, I take those as being things that are quite critical and we will kick them around here with the appropriate legal and leadership teams to see whether or not we can find our way there.

MR. CRUZ: Great, thank you. Operator, we will do one more call if they can keep it at two minutes.

OPERATOR: Thank you. Next up we have Chairman Mazzetti. Your line is open.

MR. MAZZETTI: Hello, can you hear me?

MR. CRUZ: Hi, Chairman. We can hear you. And we're running out time, so if you can keep --

MR. MAZZETTI: I'll make it as fast as I can. I have the list President Sharp said as far as responsibilities, however, the issue we're dealing with right now needs to be looked at on a case by case basis. I don't believe you can use a formula.

First example, we are still maintaining roughly 1,800 employees, but the impact of the
closure of our facility has actually impacted about 100,000 people, the residual. Okay, so I don't see how you can use the existing, you know, land base and population. It has to be looked at from an economic impact formula standpoint.

And I think the question that needs to be answered is it's really a who is going to distribute the funds in the program? Is it BIA versus Treasury? If it's BIA, BIA has a system in place, intertribal (inaudible). It could be utilized immediately. If Treasury is going to administer the program, how would they do that? Do they have to develop a process?

MR. KOWALSKI: We hope to be able to piggyback on BIA to the extent we can.

MR. MAZZETTI: Okay, because like I say, they have a system in place. They have the 12 regional offices, so they could service all the various regions. And, again, that comes down to how long would it take to develop a request?

MR. KOWALSKI: Well, this is a -- we plan to push the cash out first and then you use
this money to meet your needs, and then you do an
after action accounting.

MR. MAZZETTI: Okay. I totally agree
with all the previous Chairs and Governors that
have spoken -- Presidents -- but the Tribes should
be in the position to make the determination of
what they need and how they spend the money, just
like the state.

MR. KOWALSKI: Understood.

MR. CRUZ: Noted. And so with that,
folks on the line, I will turn it over to
Assistant Secretary for closing comments and then
over to Dan for any closing comments and we'll
conclude the call.

MS. SWEENEY: Thank you. And to the
Tribal Leaders who participated today, thank you
so much for your guidance and the comments and
recommendations. For those who have not had a
chance to participate, there will be another
Consultation next week and the ability to submit
written comments no later than the 13th of April.
I continue to strongly encourage that those
comments are provided sooner rather than later.

We heard a number of excellent suggestions today and I want you to know that the information that's shared will help our internal deliberations and discussions with Treasury.

I'm very encouraged by the partnership with the Department of Treasury in this endeavor and we absolutely have to get it right and we have to do it in partnership with Indian Country and Alaskan Native Communities.

So in terms of next steps, this call is being transcribed. The information that was provided over the phone and the comments that continue to come in will be disseminated between Interior and Treasury and we will use that information during our deliberations in a lead up to the Consultation for next week.

Again, I encourage you to look at the BIA.gov/Covid- website. You can find information and the most up to date information from Indian Affairs on that website. There's also a link to the CARES Act. And any materials that we have
with respect to the Act we will also put up on that website.

And with that, Mr. Kowalski, I will turn it to you to close.

Thank you.

MR. KOWALSKI: Well, thanks, Tara. I just want to thank everyone who spoke and offered suggestions and commentary today. It is extremely helpful, very illuminating. This is an important task and it's not an easy task. And we are going to take it with the seriousness that it deserves. We want to do right by everybody; we want to make sure you have the funds that you need to meet the needs that are caused by Covid-19. And we also want to come up with some framework for thinking about what those expenses may be. I appreciate the differences of opinion on self-determination and guidance and trying to provide a balance that would provide some comfort and say, yeah, I'm thinking about this the right way without being prescriptive. And I think it's not an easy task, but it's the task that we've been assigned and I
look forward to working with you in the next
couple of weeks to develop such a plan.

So thank you very much for your time
today.

MR. CRUZ: Thank you, Dan, and thank you
to everybody on the call. Operators, thank you.
And we will talk to folks next Thursday at 1:00
p.m.

Everybody take care. Bye.

OPERATOR: Thank you for participating.

You may disconnect at this time.

(Whereupon, at 4:02 p.m., the
PROCEEDINGS were adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

I, Thomas Watson, notary public in and for the District of Columbia, do hereby certify that the forgoing PROCEEDING was duly recorded and thereafter reduced to print under my direction; that the witnesses were sworn to tell the truth under penalty of perjury; that said transcript is a true record of the testimony given by witnesses; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was called; and, furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

[Signature]

Notary Public for the District of Columbia; My Commission Expires: May 31, 2024