U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CARES ACT TITLE VI
CORONAVIRUS RELIEF FUND
TRIBAL CONSULTATION

Washington, D.C.
Thursday, April 9, 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

(1:00 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.

At that time if you would like to ask a question you may press *1.

And now I'll turn the call over to Mark Cruz. You may begin, sir.

MR. CRUZ: Great. Good afternoon from Washington, D.C. and thank you all for joining us today.

Before I begin I want to start with three housekeeping items. With respect to the media and the press, 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 now.

I also understand that many tribes, like
the Federal Government, are on telework status, meaning more telephone lines are being used than usual. Due to telework, work from home orders, and an increased demand for teleconference lines, we are capped on the number of available lines for use today. Therefore, if you are not an elected Tribal leader, we also ask that you respectfully disconnect now so Tribal Leaders across the country do not have issues connecting to this Consultation call.

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 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 of serving as the Deputy Assistant Secretary for Policy and Economic
Development here at the U.S. Department of Interior. I'm also an enrolled member of the Klamath Tribe.

Today is the second 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 (1) the methodology to allocate funds to Tribal Government, as outlined in the CARES Act, and (2) Tribal specific items on expenditures incurred due to the Covid-19 public health crisis.

If you missed last week's Consultation call, please visit BIA.gov/Covid-19/CARES-Act to review the transcript from that session that's now posted. We will also make today's transcript available at the same website.

We appreciate the interest of Tribal Leaders in joining this 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 operator mute your line and move to the next Tribal Leader.

Last week we had 30 Tribes speak in 150 minutes. So let's do our best to keep comments and questions brief, direct, and poignant, and keep them under five minutes.

Additionally, a couple of other routine Tribal Consultation housekeeping items. When you are prompted by the operator to speak, please identify yourself with your name, spelling, and the Tribe you represent, and speak clearly into your phone or microphone so that all may hear you. For your awareness, we do have a court reporter on the line and everything said today during this telephonic Consultation will be recorded and become a part of the Consultation record and final transcript.

It is now my honor to introduce Assistant Secretary for Indian Affairs Tara.
Sweeney and Dan Kowalski, Counselor to the Secretary of Treasury, for their welcome statements and updates.

Madam Secretary?

MS. SWEENEY: Thank you, Mark. And good afternoon and good morning to those who are on the West Coast. This is Tara Sweeney, Assistant Secretary for Indian Affairs at the U.S. Department of the Interior.

Since the first Consultation last Thursday, April 2, Interior and Treasury Departments have been working tirelessly to review Tribal comments, suggestions, and recommendations made in the Consultation session, as well as the comments submitted to Consultation@BIA.gov and Tribal.Consult@Treasury.gov. The Federal team understands the gravity of the deteriorating economic conditions across the country and the impacts on Tribal communities. We also understand that the growing anxiety and the tough decisions Tribal Leaders are having to make in real time. And I want you to know that we're working
diligently with Treasury to get this money out in a fair and transparent manner before the statutory deadline of April 26, 2020.

We appreciate the feedback from Tribal Leaders. At Indian Affairs we're focusing our efforts on recommendations related to qualified expenditures, allocation methodology, and specific metrics or data sets Tribes have recommended as reliable, and the most effective and efficient and accountable fund distribution mechanism. With this feedback our teams will continue to work aggressively to accommodate Tribal Leaders' thoughts and concerns.

I'm going to take the next couple of minutes to provide a summary of the comments that we have received today from the Consultation and through the Consultation email addresses, both at Indian Affairs and at Treasury. What we have seen with respect to the comments on impacts, Tribes have raised the issue that Tribes lack a tax base to generate revenue. There were several recommendations on swift and immediate guidance
and that the guidance is needed. Tribes are feeling the pressure of paying employees in the midst of an ongoing pandemic with no incoming revenues to offset the expenditures.

Some Tribes favor one distribution. Tribes do not favor a piecemeal approach or a grant structure, and most Tribes favor a formula approach, yet there's a diversity in the recommendations on the variables to include in that formula.

With respect to the methodology, weight should be given to lands in service areas with a demonstrable Covid impact or weight should also be given to the cost of transportation for supplies, people, and food in rural areas. Alaskan Tribes believe there should be a weight given to Alaskan Tribes. Tribes and Consortia with Tribal membership recommended a minimum allocation. And the recommendations ranged from $500,000 to $2 million per Tribe. Some incorporated a minimum payment into a larger formula with other factors. The variety of the variables recommended included
land base, total employee numbers, total enrollment, loss of revenue, total wages, expenditure impacts, to name a few.

There were some Tribes that favored Indian housing block grant formula and others that opposed the NAHASDA distribution. Smaller Tribes advocate that total Tribal enrollment should not be the only factor for allocation. Comments included opposition to only using a land base as a metric because of the perceived unfairness due to the disparity of land holdings by Tribes across the country. Some suggested an equal distribution among all Tribes. Some did not favor minimums, maximums, or means testing, while others did.

There was an additional recommendation that approximately 80 percent should be immediately distributed via self-governance type methodology without the requirement for advance justification and then to distribute the remaining 20 percent as a supplement with a justification. Some Tribes have provided Indian Affairs with information about their total employee and
enrollment numbers, some Tribes have provided information about their land base and expenditures. Some of the challenges with suggestions above are that they would require data calls since the information is not readily available for all Tribes. Some of the information is dates, some of it is inconsistent, and some of it is very narrow.

So my question to Tribal Leaders today is would your Tribes be able to respond in time so that we could assess the information so that we may inform our discussions and decisions?

There were several comments on the mechanism to distribute the funds. The type of feedback we've received on the mechanism include that some comments favored direct funding through their current self-governance compacts or self-determination contracts. And some recommended a direct Treasury to Tribe distribution and a recommendation for using existing Treasury accounts. Other comments suggested Tribes should be able to choose the
vehicle. Nearly all Tribes stated that funds should be provided directly to Tribes without going through the State using existing compacts, contracts, or AFAs, using the same mechanism as being used to provide funds to states with the option to Tribes to get funds through BIA if they choose. And, again, direct funding to Tribes without having Interior or BIA administer them because it creates some additional red tape.

So as you can see, the comments represent a variety of views.

Now, our goal in choosing a mechanism to recommend to Treasury is to choose the most efficient, accurate, and timely method. As we work through these options we may reach out to your Tribal Leadership to ensure that we have the correct financial information needed to move funding.

On the topic of qualifying expenditures, the type of feedback we've received on qualifying expenditures include that some of the comments indicated that they would not like to be given a
laundry list of expenditures which are allowable. Other comments suggested Covid-19 increased expenditures should be interpreted to include expenditures including payroll and related expenses for employees while governments or entities are at diminished capacity or closed, costs of financing to maintain the viability of both Tribal Governments and Tribally owned entities, costs incurred due to increase expenditures, expenditures that otherwise would have been funded but for loss of revenue, differences in revenues transferred to Tribal Government accounts in 2020 relative to the same period in 2019, revenue streams interrupted by Covid-Response, additional Tribal costs incurred in providing emergency relief and assistance to Tribal citizens and Tribal employees.

More specific expenditure categories suggested also include shut down expenses, for example, extended employer contributions for health insurance, maintenance expenses, paying skeleton crew of maintenance and security, direct
expenses, remediation, and decontamination,
additional deep cleaning, remobilization expenses,
preopening payroll costs, Tribal health clinics --
an example was the loss of third-party billings
and Tribal and community members' loss of health
coverage that was provided by employers,
construction suspension, termination -- an example
there was the suspension or termination fees,
costs, and damages from a planned Tribal museum
and the construction that was delayed --
maintaining operations through IT hardware
purchases, increases in internet capacity, and
data support costs to support increased telework
and virtual meetings. Infrastructure projects
that support response and mitigation efforts as a
result of the Covid-10 include recommendations for
qualified expenditures to include housing,
broadband, burial assistance, which is different
than the current program under the Bureau of
Indian Affairs, law enforcement, detention, and
safe haven facilities, transportation costs, road
infrastructure, water and sewer infrastructure,
distance learning opportunities, Tribal offices improvements, road transportation again, and healthcare facility upgrades.

And we recognize that this is an imperfect process and we're carefully crafting our recommendations to meet the spirit, intent, and requirements of the CARES Act, which is to help Tribes address the unexpected cost of fighting off the Covid-19 pandemic.

So for Tribal Leaders on the phone, I will be issuing a Dear Tribal Leader letter no later than Monday, April 13, 2020 with conference call information related to the direct appropriation Indian Affairs received, the $453 million, and our plans for that distribution and timing.

And although we continue to maximize our telework flexibilities, my team at Indian Affairs continues to juggle multiple issues with critical timelines. But those conditions will not impede our ability to ensure that you have adequate information to help inform your decision making
process through these very, very hard times.

And, with that, I will turn it over to Dan Kowalski, counselor to the Secretary of Treasury.

Thank you.

MR. KOWALKSI: Thank you. Thank you, Assistant Secretary Sweeney, for the excellent summary of the comments received. I won't spend a lot of time discussing what we had talked about last week, other than to express my gratitude for your sharing the information and the thoughtful comments that we have received.

As far as where we are in the implementation process, I can say that here at Treasury we have thought a fair amount about the payment process and we've looked at working with BIA's existing payment processes and the statute that we have, and some of the comments received. Again, when we look at the combination of those things we do feel it is most appropriate that this be a Treasury to Tribe distribution direct. And so this will require some additional input from
Tribal Leaders to Treasury. We are in the process of setting up a portal for not just Tribes, but also state government and units of local government that qualify under the statute, to provide Treasury with payment information or essentially what bank account would you like your advance payment deposited into. More information about that will be forthcoming in the next couple of days.

I was on a call earlier today where we went through a first draft mock of that and so, you know, now it will go through a second. So we're working diligently to get that done and perhaps it can be done as soon as this weekend, but certainly no later than early next week.

We anticipate working with BIA through your regional reps to be able to be sure that you're able to access and use the portal. And we may have other training opportunities available as well. I would certainly welcome feedback on that today if any of the Tribal Leaders speaking today have any thoughts about that approach.
I think once we have that done and once we complete this Consultation process and weigh the additional comments that we will receive today and in written form -- although we do hope you get your written form in sooner rather than later -- to then move more on the actual formula for distribution. I think we have somewhat determined that a formula makes sense. It's hard to do anything other than a formula in the time that's available and the statute is pretty specific about when the funds should go out. We respect that and we also think that, you know, the costs are occurring now in real time, so that, you know, you should get the funds that the Federal Government promised you as soon as we can get them out.

Always looking for more discussion on what's the appropriate way to balance out the competing needs and equities in that distribution formula. I very much enjoyed participating in this Consultation and this conversation last week and I look forward to the next few hours of additional conversation.
So, with that, back to you, Tara or Mark.

MR. CRUZ: Thank you, Dan. At this time we will open it up for Tribal Leaders questions, comments, ideas, suggestions. So, operator, if you can please announce the instruction for folks to ask questions and we'll stand by for the first question.

OPERATOR: Thank you. We will now begin the question and answer session. If you would like to ask a question, please press *1, unmute your phone, and record your name clearly. Again, press *1 to ask a question.

And one moment please for our first question. Our first question comes from Lynn Valbuena. You may ask your question, and please state the Tribe you represent.

MS. VALBUENA: Thank you. I have a comment and I'll keep it less than five minutes as stated. And thank you again for giving us this opportunity for the Consultation; much appreciated.
Again, my name is Lynn Valbuena and I'm Chairwoman of the San Manuel Band of Mission Indians in Southern California.

I want to urge the Secretary to make sure that any methodology or formula used to distribute the $8 billion Tribal Relief Fund adequately considers economic impact in Tribal Nations, which is the intent of the CARES Act. California's 109 Federally-recognized Tribal Governments employ more than 53,000 workers and contribute more than $7.8 billion to the State's economy annually. Closure of our governments and business enterprises not only impacts our Tribal communities, but they impact the entire State of California.

San Manuel employs nearly 5,000 team members and are one of the largest employers in San Bernardino County. We have incurred millions of dollars in increased expenditures for the month of March by keeping our 5,000 workers employed with no revenue coming in. Our costs in April continue to climb as we implement more emergency
measures to prevent the spread of the virus and we expect May to be as bad.

San Manuel joins other California Tribes and recommends using a three step formula to distribute Coronavirus relief funds.

Number one, provide a $1 million distribution to each Tribe to ensure basic needs are covered.

Number two, distribute a $1.5 billion on a pro rata basis to each Tribe based on enrolled member population.

And, number three, distribute the remaining $6 billion on a pro rata basis to each Tribe based on the total wages paid in 2019.

To speed up the administrative process for allocating the funds, we believe the Secretary should have each Tribal Government submit a self-certification of their enrolled population and total wages paid in 2019. This formula would advance the economic stabilization purpose of the CARES Act and it would ensure that every Tribe gets some relief to cover some of the costs.
directly caused by the Coronavirus pandemic.

Again, thank you for this opportunity for us to share the view of the San Manuel Band of Mission Indians.

Thank you.

MR. CRUZ: Thank you, Chairwoman. We appreciate those comments and specificity and hope you are doing well. Thank you for all you do for the Sherman Indian School out there in Riverside.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Our next question comes from Chairman David Bean. You may ask your question and please state the Tribe you represent.

MR. BEAN: (Speaking in native language) David Bean, Chairman of the Puyallup Tribe of Indians in Tacoma, Washington.

First of all, I want to thank you folks for this opportunity to engage in Consultation with you folks. And, you know, we commented extensively last week and we will follow up with written comments, but I want to thank you folks
for the wonderful summary.

My comment will be brief this morning.

If land is a factor, you know, for us in the Northwest Tribes, you know, we have our reservations and then we have our U&A, our usual and accustomed areas where our people hunt, fish, and gather. And Tribes are responsible for areas beyond our reservation into our usual and accustomed areas for regulating. Those are areas where hunters hunt, where our fisherman fish, and our gatherers gather traditional foods and medicine. And during these uncertain economic times, folks are relying on subsistence more now than ever.

So I just wanted to share that factor in there for consideration.

So thank you for the time on the floor.

MR. CRUZ: Thank you, Chairman.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Our next question comes from Chief Kirk Francis. You may ask your question, and please state the Tribe you
Mr. Francis: Good afternoon, everyone.

This is Chief Kirk Francis from the Penobscot Indian Nation in Maine, also serving proudly as the President of the United South and Eastern Tribes.

I first want to thank you all for holding this call today. I want to just start off by saying that I hope everyone on this call and their families are doing well and are healthy and our thoughts and prayers are with you all during these difficult times.

With regards to how the $8 billion relief fund should be distributed, I just want to provide some brief comments. I was on the call last week through the whole three hours and I don't want to be redundant, but I think it's important that we at least outline very briefly our thoughts on the distribution.

We also support a minimum amount for every Tribe. If the Department is struggling with how to do that, you know, and that doesn't become
a possibility, we think it's critically important that the Departments will have to understand that some of the smaller needier Tribes from a resource standpoint are going to need technical assistance to make sure that their data gets considered. We actually do not support the use of a formula because we don't think a formula can adequately take into account the actual unique costs and needs of every Tribal Nation. This is not, as we all know, a typical funding mechanism that can be used here that can adequately and accurately predict what we're dealing with in a very unique time.

So we think it should be easy enough for Tribes to submit self-certifications of their actual costs to date and estimates for the remainder of the year. Doing this is more consistent, we think, with the language in the CARES Act.

Penobscot Nation over the previous few days has reviewed dozens of formulas that have been circulated around. We've had our staff
putting input into those formulas to determine what formula -- if it's going to be a formula based approach -- would come close to our actual estimated costs and actual costs for this relief fund benefit and we do not believe -- in reviewing -- one of those proposals was sent in by the Gila River Indian Community -- it's a little more of a complicated formula, but seemed to be the most accurate in considering actual costs.

We do not believe Tribal population is a good factor to use for distributing the funds as well. Again, just don't think it's a good estimate for the Tribes' actual impacts. This virus is not going to discriminate against smaller Tribes and we've heard the diversity of needs already from small Alaskan Village to the horrific situation going on at Navajo Nation right now. So United South and Eastern Tribes are from Maine to Florida and Texas, represent about 5 percent of Indian Countries' population and would be disproportionately affected under that kind of a formula.
And if employees is a factor that is used in a formula, we also think the diversity of Indian Countries needs to be considered in assessing that. Tribes all across America are responding to this issue in a very diverse way. Some Tribes, like my one, have not laid off employees during this period of time and continue to incur costs while some Tribes have chosen to lay people off. So that needs to be considered in understanding how to truly compensate Tribes as a lot of employees might be on other taxpayer assistance programs right now outside of this fund.

And we also believe there needs to be a cap on the amount distributed to any one Tribe. The $150 million we've seen floated around over the past week seems reasonable to me, but there may be reasons to have a higher cap, but we think there needs to be one to ensure that the fund is distributed fair and equitably.

And, you know, on behalf of United South and Eastern Tribes, we stand ready to work with
the Departments and to do whatever we can to get this money distributed in an expedient matter. And I want to thank everybody on the call and all the Tribal Leaders for allowing me a little bit of time to speak.

Thank you.

MR. CRUZ: Thank you, Chief Francis, and thank you for your leadership.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Our next comes from Teresa Sanchez. You may ask your question. And please state the Tribe you represent.

MS. SANCHEZ: Hi, this is Teresa Sanchez. Good morning, everyone. I'm from the Morongo Band of Mission Indians. Thank you for this opportunity this morning.

While the Morongo Band of Mission Indians has provided written comments for the record, I want to talk about what I think is the fundamental issue for all of us today, jobs.

Morongo employs nearly 3,000 team members, one of
the largest private employers in Riverside County, California, fourth largest county in both population and square miles, so our employment numbers have an impact locally, but also on the whole of the state.

Gaming in California contributes approximately $20 billion in output to the California economy. In terms of payroll, Tribal gaming provides over $9 billion. As of today, with no money coming into the casino, all of our casino's payroll expenses have now become new expenses for the Tribal Government.

In developing your approach to determining a formula for the distribution of the funds from the Coronavirus Relief Fund, I would respectfully ask that the Departments of Treasury and Interior lean heavily on the economic impact our compliance with the government's call for social distancing has had on our enterprises, an impact that has now translated into new costs for our Tribal Government.

Thank you for your time today and
everyone be well.

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

   OPERATOR: Thank you. Our next call comes from Vivian Korthuis. You may ask your question and please state the Tribe you represent.

   MS. KORTHUIS: Good morning. Can you hear me?

   MR. CRUZ: Yes, we can.

   MS. KORTHUIS: Thank you. Good morning. My name is Vivian Korthuis. I'm calling in from Bethel, Alaska. I serve as the Chief Executive Officer for the Association of Village Council Presidents.

   I'd like to thank everyone for holding and calling in for this Consultation today. The Association of Village Council Presidents, AVCP, is the largest Tribal consortium in the Nation with 56 Federally-recognized Tribes.

   We are a Tribally-owned nonprofit created by our member Tribes over 50 years ago to
provide governmental services to our entire region. Our Tribes are located in 48 villages along the Kuskoquim River, Yukon River, and Bering Sea Coast in Western Alaska along the Bering Sea. Our size is the size of the State of Washington. We are not connected to each other -- our villages -- by roads. The main transportation is snow machine, boat, or small plane. The closest hospital in our region is located in the hub of Bethel. The primary way we get to the hospital is by small plane, which may take up to an hour to fly to.

In rural Alaska we are facing a double emergency. The U.S. Attorney General declared a public safety emergency in rural Alaska last summer. Now we are also faced with a pandemic. On top of that, we lack transportation infrastructure and technology infrastructure. Tribes in rural Alaska have immediate needs due to Covid-19. Some of these needs are unique to living in extreme rural America. Public safety officers to support the healthcare workers and
enforce the stay at home mandate, is in dire need. Emergency response teams for community response to the virus, we have no EMTs, no fire departments, sometimes no public safety officers, and sometimes only one health aide located in our community. We must rely on our volunteer search and rescue groups to respond to this very fast-paced emergency and they need equipment and supplies, including personal protective equipment.

We also see a need in quarantined spaces in our communities. These are going to be critical in communities made up of small one to three bedroom homes with multigenerational families located in them, with up to 12 or more people living in a small space. In one-third of our villages we do not have running water. There isn't any gathering spaces, but when available, like a school gym or the Tribal office, we will need to be -- those will be set up, continuously cleaned, and supplied with basic supplies in this crisis.

Regarding cleaning supplies, especially
for the many homes that don't have running water, we need the suppliers to make waterless cleaning solutions and even things like simply having basic cleaning supplies like Clorox wipes. Those are not available in our villages. We must make improvements for sanitation, running water especially. We know Covid-19 isn't going to end in the first wave and our villages without basic sanitation requirements are extremely vulnerable.

As the majority of Tribal staff move from work to home, Tribes must provide internet access, phones, laptops for employees who do not have access in their homes.

Regarding transportation needs, the largest rural carrier in the State of Alaska grounded all their planes and declared bankruptcy recently. Tribal members need to be able to get to the hub community of Bethel for medical care, for supplies, or in case of emergency.

These are the reasons why Covid-19 Relief Fund is so important, and that is why we need to get these funds to Tribes right way.
We recommend a baseline funding of $750,000 for all Tribes and consortia. We want to make sure that we take into account the higher cost of living in extremely rural America. We want to get the funding out quickly, to make reporting requirements simple and clear, very broad funding, and flexible for the categories of eligible expense for the Tribes.

MS. SWEENEY: Thank you. Thank you, Vivian. With respect to the issues that you're raising on PPE and supplies, I would continue to recommend that you work with the Regional Director, Gene Peltola, Jr., as he continues to host weekly calls -- Tribal calls twice a week, and in those calls the Federal partners with FEMA, USDA, and IHS or HHS are included in those discussions. I would also encourage you to submit your recommendations via the Consultation@BIA.gov and at Tribal.Consult@Treasury.gov.

And I hope that you are well and that your region is staying safe and healthy.

(Speaking native language)
Operator, we're ready for the next call.

OPERATOR: Thank you. Our next one comes from Chairman Marshall Pierite. You may ask your question. And please state the Tribe you represent.

MR. PIERITE: Marshall Pierite, Chairman of the Tunica-Biloxi Tribe of Louisiana. My thoughts and prayers are with all the Tribal Leaders, their Nations, and all of their members. I want to thank you, Madam Secretary, and the Department of Treasury for having this Consultation.

A little bit about Tunica-Biloxi Tribe, we had to furlough over 90 percent of our employees a little over 2 1/2 weeks ago. It is vitally important that we get the help, and the most help that we can, from the Tribal stabilization forum. We will use the dollars to put our furloughed employees back on the payroll while we continue to pay for their insurance. These funds are going to mean our very survival of our Tribe.
I also want y'all to consider, and I know y'all have, about the high rate of diabetes, hypertension, heart disease, asthma that is plaguing Indian Country now. So it is of utmost importance that y'all consider that factor because this is going to be an ongoing with our Tribes.

And when it comes to -- again, I am so thankful and I thank Indian Countries for (inaudible) with these Tribal stabilization funds.

And also one of the things you should really consider is the areas of the country that is hardest hit by the Covid-19. Also the stabilization fund, you have to consider the Tribes that are located in states such as Louisiana, which again has been the hardest hit.

And also it should be a minimum and a maximum that is considered as well. A loss of revenue should be considered and a loss of employees. It is important that y'all consider all of these factors.

I do know y'all have a hard job, task to take on. And I'm not going to take more of your
time, but I just wanted to say that Tunica-Biloxi and Indian Country appreciate everything y'all are doing and please consider all of those things when making this formula.

    Thank you, God bless you.

    MR. CRUZ: Thank you, Chairman. Thank you for those kind words.

    Dan, do you have anything to offer?

    MR. KOWALSKI: No, I have no questions for the speaker. Thank you.

    MR. CRUZ: All right. Operator, we're ready for the next caller. Operator?

    OPERATOR: I apologize, I had my mute on. The next is from Shawn Yanity. You may ask your question. Your line is open. Please state the Tribe you represent.

    MR. YANITY: Good morning, everybody. Thank you, Madam Secretary, Department of Treasury, and all for giving us this opportunity to make comments.

    My name is Shawn Yanity. I'm the Chairman of the Stillaguamish Tribe here in
Arlington, Washington. The Stillaguamish Tribe is a small tribe, though under this crisis we face the same challenges economically as the larger tribes and other Tribal communities. Right now we have several of our employees that are on the payroll but they're not currently working.

We urge that the methodology used to distribute the Coronavirus Relief Fund based on economic impact of the Coronavirus. To do this, it is our recommendation that the proxy for economic impact due to Covid-19 is the number of employees for a given Tribe and its enterprises directly prior to the pandemic. Employee numbers are relatively easy to ascertain and the Department of Interior could request that each Tribe certify how many employees they have. We recommend that at least $6 million of the $8 billion fund be distributed based on economic factors. We also request that every Tribe receives $2 million.

We urge the Secretary to broadly interpret the CARES Act so to provide relief for
Tribes and their citizens suffering from business closures due to Covid-19.

As you are aware, the Tribes lack a sufficient tax base for essential governmental services that supports everything from childcare, elder care, our natural resources departments, courts, police, et cetera. We rely heavily on these Tribal business to cure those resources for essential government services. The CARES Act, by its own terms, is intended to provide relief for the consequences of mass economic disruption for all American Indian Tribes. We specifically ask that the $8 billion funds referenced are appropriated directly to making payments to the Tribal Governments and not through the state.

When the Coronavirus hit, the Stillaguamish Tribe and many other Tribes across the country acted responsibly, even though we understood what it meant for our people in our community, as well as our departments. We know without a tax base our economic enterprises are the lifeline to provide essential services. We
ask the Secretary to interpret the language in a fair and equitable way so small Tribes and small land based Tribes are not left out. Our economic impacts are just as equally great to our community as others.

And we understand that you are in a very tough spot to be able to amend a rule that fits for everyone and we just appreciate your time and this effort.

Thank you.

MR. KOWALSKI: Thank you. Actually, I'll ask one question if I may. This is Dan from Treasury. You mentioned in employees and a previous speaker talked about wages. Can you weigh out the relative merits of the two indicators?

MR. YANITY: Yeah. When you look at the amount of employees that we have, the impacts that come with that are you have extra costs in unemployment, you have extra costs in providing payment to their positions where we're not getting anything in return for it, no services going back
to the Tribal Government, you have in some cases some places like the Casino or other departments where we have to lay somebody off, there's re-start costs if they come back, if they're laid off to do background checks, administrative costs to rehire, et cetera.

MR. KOWALSKI: Okay, thank you.

MR. YANITY: Thank you.

MR. CRUZ: Thank you, Chairman. Appreciate the comments.

Operator, we're ready for our next caller.

OPERATOR: Thank you. Chairman Leo Sisco. Your line is open and please state the Tribe you represent.

MR. CRUZ: Hi, Chairman. Are you on mute?

MS. SWEENEY: Did you say Leo Sisco?

MR. CRUZ: Yes.

MS. SWEENEY: Okay.

MR. JEFF: Okay. Good morning, everybody. Leo Sisco, our chairman, is out right
now, so this is Robert Jeff, the Vice Chairman.

We want to thank you for allowing us to comment this morning. Our prayers are out to each and every one of you and your families and your communities.

And this is Santa Rose Rancheria Tachi-Yokut Tribe from Central California.

In regards to your distribution, we are recommending a direct distribution from Treasury, no formula, no funding through compacts or 638 contracts. Funding requests should be based on direct Tribal costs due to Covid-19. This includes payroll, payments to Tribal members, healthcare premiums, maintenance costs, infrastructure costs, security costs, and all other Covid-19 related costs associated with both Tribal Government and Tribal enterprises currently closed due to this pandemic.

You are running out of time in developing your plan for distribution.

And we just thank you today for allowing us to comment. Thank you.
MR. CRUZ: Thank you, Vice Chairman.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Chief Victor Joseph, your line is open. And please state the Tribe you represent.


It's an honor and a privilege to provide comments on the $8 billion Tribal Government set aside, including the Title VI of the CARE relief fund and to assist the Department in the development of fair, equitable, transparent distribution of Tribes in this great Nation.

Alaskan Tribes are challenged geographically, logistically, and financially. Interior Alaskan Villages are located in an area about the size of Texas with villages located on main waterways, far separate from urban centers, mostly accessible only by boat, snow machine, or airplane.

As the business community moves on line,
it is a stark contrast for our Tribes that have internet connections that do not allow for meaningful interactions with the government, the economy, education systems, and news coverage. The common guidance of hand washing is not applicable to the villages that live without running water because of the lack of infrastructure or the lack of money to maintain the necessary water and sewer systems.

Alaska villages face an extreme housing shortage, resulting in multiple generations of large extended families living under one roof, often in a few rooms. Tribal Governments are now planning for the necessary construction of quarantine quarters. Law enforcement is often nonexistent in the communities that have some of the highest substance abuse and crime rates in the Nation. Tribal Governments are now forced to hire untrained public safety officers to enforce Covid-19 prevention travel bans, increased alcohol restrictions, and to limit transmission of the virus. The funding for these hires are not
guaranteed. Food security in rural Alaska is already in jeopardy as the state and Federal governments manage Tribal traditional lands and do not adequately account for Alaska Native hunting and fishing needs.

With the closure of rural airlines Tribal Governments must organize and fund the purchase and transportation of groceries for their Tribal members throughout this pandemic.

In sum, the Covid-19 crisis exacerbates the already drastic disparities faced by Alaskan Tribal Governments. Methodology should prioritize small and needy Tribes on basic infrastructure needed to prevent, mitigate, and respond to Covid-19. The large majority of Tribes in Alaska fit the small and needy BIA category. Small tribes lack the basic and fundamental infrastructures necessary to prevent, mitigate, and respond to Covid-19.

TCC requests that the methodologies implemented by the Treasury fairly distributes the Tribal set aside, prioritizing small and needy
Tribes first by providing the funding allocation necessary to address the basic infrastructure needs to adequately prevent, mitigate, and respond to Covid-19.

Only once the basic needs of Tribal communities are met, will the country be able to truly stop the spread and transmission of the virus, limits death in the Native Americans and Alaska Native people caused by this virus.

Every Tribe in Alaska needs assurance a minimal amount of not less than $750,000 of assistance will be provided to say if they're allowed to continue expenses, prevention, and mitigation measures, which will save millions of dollars and save hundreds of lives.

We request that this allocation be done swiftly without application and distributed to every Tribe so that Tribal Governments will be able to continue to take immediate action.

Overall, the broadest possible interpretation of the CARES statute to allow the Tribe to determine their own needs and apply
self-governance principles, like infrastructure, 
making sure water and housing and food storage, 
medical storage, quarantine facilities, medical 
facilities, airports, terminal, garages, 
broadband, building improvements that allow their 
dedication to continue operations in the office, 
necessary reconfiguring office to allow staff to 
work as necessary and with adequate social 
distancing. In addition to that, business 
expenses, education, public safety, and 
transportation costs. 

Tanana Chief Conference's requested 
distribution is provided through existing funding 
agreements under the authority of IHS and BIA's 
638 compacts and contracts. We ask that there be 
minimal reporting requirements and allowing for 
self-certification. If allocations occur through 
the 638 compacts, Tribes will be accountable for 
their own audits. 

There should be an allocation 
methodology that limits qualified expenses. We 
understand there must be a list of actual expenses
by certainty, like transportation, infrastructure, payroll, et cetera, but we request that the list is not exclusive so that the Tribes have the authority to tailor this to the specific situations. Obligated expenses should be considered incurred expenses. TCC requests the Department interprets the statute language of Title IV(d), bills, expenditures incurred through the public health emergency with respect to Covid-19 incurred during the period that begins March 1, 2020 and ends December 30, 2020 in the broadest sense, to include expenditures obligated.

The Covid-19 pandemic has yet to impact most of rural Alaska, including rural Alaskan Tribes, are actively working to prevent the spread of Covid-19. But as it has delayed impact our Tribes have also expenses past December 30. We ask that the Department interpret incurred to include obligated.

I want to thank you for the consideration and time today.

Secretary Sweeney, you asked a question
early on, if you needed to contact our Tribes would we be able to respond. I'd like to respond to that. We would work closely with you and get all the information that you need and which was required.

So I wanted to once again thank you.

MS. SWEENEY: (Speaking native language) Thank you.

MR. CRUZ: Great. Thank you, Chief. Operator, we’re ready for the next caller.

OPERATOR: Thank you. Chief Yems (phonetic), your line is open Please state the Tribe you represent.

MR. CRUZ: Chief, are you on mute?

OPERATOR: Chief Yems? They are not responding. Would you like me to go onto the next one?

MR. CRUZ: Yes, let's go to the next caller and if they call back in, please put them on the phone.

OPERATOR: Certainly. Thank you.

Melanie Benjamin, your line is open. Please state
the Tribe you represent.

MS. BENJAMIN: Good afternoon. Melanie Benjamin, Mille Lacs Band of Ojibwe in Minnesota. And thank you for the opportunity to provide comments. And I do want to mention that we have submitted our written comments as well.

And a couple of items that I wanted to talk about, which will stay within the timeframe, is that when we look at what Covid-19 is doing in the State of Minnesota and also for the Mille Lacs Band, that the impacts are crushing our budget and sending us into a huge deficit, and in the workforce cost, our largest expenditures, where the Covid-19 pandemic is inflicting the heaviest pain. So when we look at the methodology, what we're looking at is workforce share. And we believe that that's what should be used and it's the most reliable and it's the most available factor for us to use.

And then also another topic that I wanted to mention too is that I am also the Secretary of NAFOA and so I've been on many calls
with NAFOA and support that initiative as well.

But another issue is through the Minnesota Chippewa Tribe that lists the six Bands, we are concerned that each of the sovereign nations that comprise of the Minnesota Chippewa Tribe are being grouped in as one Tribe. So we want to make sure that that is looked at as we go forward and not to classify us as one Tribe when in reality we are six independent sovereign nations.

So when I think about this Covid-19, that all of these costs that we're experiencing without the revenue that's coming in, that we cannot continue to sustain the cost. And when I look at the State of Minnesota, at the Tribal businesses, we rank about tenth and we have over 16,000 employees across the State. So you can see how that is having such a huge impact on us as these business entities.

So I want to keep my comments short and I want to say (speaking native language), thank you for listening and also I want to send out
blessing for everyone to stay safe.

(Speaking native language)

MR. CRUZ: Thank you, Chairwoman.

Appreciate the comments and feedback. We are in receipt of your letter identifying that issue and our staff is working diligently to address that. So please rest assured that it has been noted amongst Indian Affairs.

For those on the lines, it's now 2:00 p.m. We are now one hour into our three hour session.

Operator, for those who want to ask questions, can you please remind them of the instructions? And we are ready for the next caller?

OPERATOR: Press *1, unmute your line, and record your name clearly to ask a question.

The next one comes from Martin Harvier. Your line is open. And please state the Tribe you represent.

MR. HARVIER: Hello and good afternoon, Assistant Secretary Sweeney and Mr. Kowalski.
My name is Martin Harvier. I am the President of the Salt River Pima-Maricopa Indian Community from the Phoenix Metro Area in the State of Arizona. I'm joined this morning with our Vice President Ricardo Leonard.

We want to thank you for holding this second Consultation with Tribal Leaders on the implementation of the Tribal stabilization funds. In this difficult time we are going through we appreciate the efforts of Congress and the Administration to begin to address the significant needs that exist in Indian Country. I will keep my remarks brief, as we are going to be providing more detail in our written comments.

First, our community supports the work that is being done by the national Congress of American Indians, the Native American Financial Officers Association, and other Tribal organizations to communicate with you on how best to administer the Tribal stabilization funds.

As Tribal Leaders have noted previously, there is such a diversity of expenditures due to
the impact of this public health crisis. So I want to encourage your Departments to consider broad categories for what qualifies as an eligible use of funds.

I know that we are doing our part in our communities to be safe, but we are doing so at a significant cost. Second, the community supports the statement of congressional intent and the congressional record of Arizona Congressman Ruben Gallego, that says in part, and I quote, "I want to memorialize that it is the intent of this chamber that the funds of the Coronavirus Relief Funds are intended to help cover the loss of revenues that would have otherwise been collected and generated by these governments to cover the wages of their employees." Specifically for our community, there are thousands of employees that are drivers of revenue that is required to provide services to our membership throughout our reservation. Today, with our government services now idle and revenue from Tribal enterprises nonexistent, there is a significant burden to keep
all of our employees employed until they are able
to return to some sense of normal.

This is why we believe, consistent with the Congressman's statement, that Treasury and the Department of Interior should allocate funds primarily based on economic output and the actual expenditures we will need to support our government and the government-owned business activity. This would include cable and related expense. We believe the appropriate tool that could be used for this purpose is the IRS Form 941, which is an employer's quarterly Federal tax return. I am told this is a document that all Tribes are required to file.

We do know there is an urgency to deliver funding throughout Indian Country and we fully support that goal. Whether you decide to allocate funding using a simple application for Tribes to submit to the Treasury, or through other mechanisms, we hope you consider our recommendations. It is clear today there are immediate but measurable impacts to all Tribal
communities and we would hope you will use the most relevant data in your allocation process.

So, in closing, I do not envy the task that is before you to develop a work frame for this stabilization fund, but please know that you have a resource in the Salt River Indian Community if you have any questions. And, yes, we are able to respond and to provide any information that is requested.

And as a Tribal Leader, we want to offer our prayer and blessing to all that are out there in Indian Country. Blessings.

Thank you.

MR. CRUZ: Thank you, President Harvier, for those comments. Really appreciate it. Very thoughtful and constructive.

Operator, we're ready for the next caller.

OPERATOR: Thank you. And Robert McGee, your line is open. And please state the Tribe you represent.

MR. McGEE: Thank you. Good afternoon,
this is Robert McGee, Vice Chairman of the Poarch Band of Creek Indians, I'd like to say the only Federally-recognized Tribe, one of the largest employers in the State of Alabama. On behalf of our Tribal Chair and Tribal Council, I just wanted to say thank you for having these Consultations during this unprecedented time.

Thank you to Assistant Secretary Sweeney for going through the comments that have been submitted thus far. And the Poarch Band of Creek Indians submitted comments last week and yesterday prior to doing this call this morning. No Tribe, not matter the population size or economy has escaped the impacts of the virus. So we support a base allocation of the $8 billion to each Tribe to address the impacts of the Coronavirus on their community's health and economy.

However, to follow the intent and text of the law, the majority of the relief fund for Tribal Governments must be based on a Tribe's and Tribally-owned entities' increased expenditures relative to the fiscal year 2019 expenditures.
The largest expenses we all face are payroll and wages. And the House of Representatives' colloquy strongly supported the use of the fund to retain employees. As mentioned earlier, that can be done through IRS Form 941 and 944 submissions.

Just as important to your decisions on use of funds are crucial, last week you noted that the use of funds guidance will apply to Tribal, State, and local governments alike. However, the allocation provisions are much different. State and local government allocations don't consider increased expenditures for government-owned entities. The Tribal allocation does both. So any guidance must be broad enough to encompass the unique aspects of the Tribal allocation provisions at (c)(7).

Finally, we urge you to broadly define the term "necessary expenditure incurred due to the Coronavirus" to including meeting payroll and related employment expenses and the cost of financing, including debt servicing and related expenses to ensure that our Tribally-owned
entities pull through the closures to provide jobs for employees to return to when we defeat the pandemic. Our employees are the backbone of our government enterprises which fund our community programs and services.

While we kept over 7,000 on payroll since March 15, considered by the Poarch Band of Creek Indians and others as a necessary expenditure so our employees and people can remain safe at home doing their part to flatten the curve. With that said, we face immediate decisions that can't wait until April 24. So I have one question, will you please provide some initial guidance on the use of funds provisions, and it will include payroll and financing for our Tribal-owned entities.

(Speaking native language) and god bless you.

MR. CRUZ: Thank you, Vice Chairman McGee.

MS. SWEENEY: Yeah, good afternoon, this is Assistant Secretary Sweeney.
You've raised some very good points and your question about guidance is something that we continue to see in the comments as a common thread that Indian Country and Alaska Native Villages are looking for. And you have Indian Affairs' commitment that we're going to continue to work with Treasury on what that may look like.

MR. McGEE: Thank you. It's just, like I said, April 24 is quite a while and we still have probably what, almost two weeks. You know, another payroll going around and such. We need to make decisions as much as, you know, possible to figure out what it is -- you know, what are the next steps that we need to take.

But thank you.

MS. SWEENEY: Thank you. And one thing that I would like to just point out to those on the call is there are other provisions in the CARES Act that Tribes may be eligible for, especially with respect to the provisions that were just mentioned. Take a look at Title II there may be opportunities there for your finance
folks to talk a look at to see how you can capture some additional dollars even outside of this $8 billion set aside.

MR. McGEE: Yes, ma'am, thank you. And we have been diligently, you know, trying to submit those applications and such, but, you know, one thing about that is the PPP is only under 500 employees. But we are doing our best to go after anything that's possible that we can to recoup some of our losses, especially when it comes to these necessary expenditures.

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

OPERATOR: Thank you. The next questions comes from Jake Wells. Please announce your Tribe.

MR. WELLS: Good morning and good afternoon. My name is Jake Well, representing the Noorvik Native Community located in Northwest Alaska.

It is an honor to provide comments today in this time sensitive Consultation call regarding
this vital funding for Tribes. All Tribes are facing Covid-19 crises and all Tribes need baseline funding to support our Covid-19 response. And it should not be competitive or pit Tribes against one another. We request a minimum level of funding for each Tribe, similar to how each state government will receive a floor amount of funding.

This methodology would ensure that each Tribe would receive a baseline amount of $1 million per factor, such as Tribal membership population, economic drivers and conditions, health morbidity, and housing disparities, to name a few. With a $1 million minimum amount plus factors for each Tribe, Treasury could operate under the assumption that every Tribe will incur at least $1 million in costs associated with Covid-19. We anticipate that if this continues we will see the need for additional congressional appropriations to combat this deadly virus.

In our village we are having to create and start a first responders' team, triage, and
emergency clinic center, law and control
enforcement teams, and a Covid-19 policy and
response team, to name a few of the resources and
efforts we need and do to prevent and/or abate its
potential effects on our community and members.
These are needed resources to ensure the virus is
not a threat to our community and membership. The
cost of providing this minimum to all 574
Federally-recognized Tribes would be $574 million,
using roughly $7.426 billion for Tribes with
larger than $1 million in claims. The $1 million
is just a lowball number as a start for Alaska
Tribes. We think higher heating, travel, food and
commodities costs. In addition we think high
unemployment populations that need and rely on
Tribal resources for their daily existence.

Just recently a major airline that
served most of rural Alaska filed for bankruptcy
and we are positive that passenger cost will
definitely increase for at least 80-90 percent of
Alaska Tribes. Again, the potential benefits of a
minimum Tribe include easing the burden on
Treasury of processing 574 separate applications.

If Tribes would claim $1 million or less, would not need to submit a claim. Tribes with more than $1 million in claims could still submit an application.

All Tribes would receive some funding and those under the $1 million threshold will not be burdened with creating an application or possibly missing the deadline to apply while they are engaged in active efforts to protect their communities. Tribes with the least amount of resources to submit a claim will receive some funding. In addition, we request the reporting requirements for the minimum funding is also minimal. Small Tribes do not have the grant writers to submit lengthy applications or reports on the funds. Grant reports for the minimum funding should be a simple narrative. The audit requirements in the funding mechanisms will provide the oversight.

Thank you very much for your time and we thank you for helping us to process this very
important need for immediate funding that should
go out to the Tribes as soon as possible.

Thank you.

MR. CRUZ: Thank you, sir. Thank you
for those comments.

Operator, we're ready for the next
caller.

OPERATOR: Thank you. Chairman Rodney
Butler. If you could please announce your Tribe.

Thank you.

MR. BUTLER: (Speaking native language)
Rodney Butler. I am Chairman of the Mashantucket
Pequot Tribal Nation.

First, I'd like to thank you, Assistant
Secretary Sweeney, Assistant Secretary Cruz, and
Counselor Kowalski for your efforts to ensure
Indian County receives the critical funding needed
to respond to the impact of the Coronavirus
pandemic. I'd also like to express our solidarity
and support for the other Tribal Leaders on this
call, and thank you for your incredible words this
week and last week.
Undoubtedly this unprecedented event has and continue to devastate or Tribal communities and cripple our economies. Much like the Mashantucket Pequot Tribal Council, Tribal Nations across the country are working around the clock to mitigate and assess the impact of this pandemic. We're also figuring out a path forward for our Tribal Nations and Tribal enterprises. We've made incredibly difficult decisions in order to protect and preserve the health and safety of our citizens and our employees, including practicing social distancing, which goes against the nature of who we are as Native people, and closing most, if not all, of our enterprises, thereby jeopardizing our ability to provide government services to our people.

As Tribal Leaders we'll continue to make many more challenging decisions in the days, weeks, and months to come, so we want you to know that we're all in this together and we'll rise up from this together.

With that said, we submitted our
recommendations for an allocation methodology for
the Coronavirus Relief Fund. Just summarizing it
here, we're urging Treasury to implement a formula
that is consistent with the criteria identified in
the CARES Act and reflective of Congress' intent
when passing the law. The CARES Act was clear and
specifically states that formula should be
implemented based on increased expenditures of
each such Tribal Government or Tribally-owned
entity of such Tribal Government relative to
aggregate expenditures in the fiscal year 2019 by
that Tribal Government.

Further, it states that the funds may be
used only for costs meeting three criteria,
including (1) the cost must be a necessary
expenditure incurred due to the public health
emergency with respect to Covid-19, (2) such costs
must not have been accounted for in the budget
most recently approved, and (3) such costs must be
incurred between March 1 and December 30, 2020.

Therefore, with the overarching goal of
using the fund to preserve and stimulate Tribal
economies, the Mashantucket Pequot Tribe proposes two components for an allocation methodology that's been touched on by many Leaders here today. A baseline amount awarded to all Tribal Nations, because this pandemic has impacted all Tribes in some way, shape, or form, and a needs based amount, awarded based on demonstrated economic impact due to Covid. This approach ensures that funding is based on what's outlined in the CARES Act specifically and will cover expenses incurred as a result of the pandemic.

Finally, we have significant concern with an allocation methodology that is population or land based given the complexity of Indian Country and the economic impacts that we're all facing. As my colleague and good friend, President Francis, that you said -- stated earlier, any such formula that will inaccurately reflect the severity of expenses incurred by most Tribal Nations and will inhibit our ability to effectively address the impact of this pandemic on our Nations and our enterprise.
We appreciate your consideration of these matters, your leadership on these efforts on behalf of Indian Country. And on behalf of the Mashantucket Pequot Tribal Nation, I say (speaking native language). Thank you and be well and stay healthy.

MR. CRUZ: Thank you, Chairman Butler. Appreciate your comments and feedback.

Operator, we're ready for the next caller.

OPERATOR: Yes. Our next comments come from Chairman Stuck. Please announce your Tribe.

MR. STUCK: This is Chairperson Stuck from the Nottawaseppi Huron Band of Potawatomi.

(Inaudible).

MR. CRUZ: You're breaking up.

MR. STUCK: Can you hear me now?

MR. CRUZ: Yes, that's better.

MR. STUCK: Sorry about that. I hope that this call finds everybody, family, home healthy and well on behalf of the great Nation of the Nottawaseppi Huron Band of the Potawatomi, our
elders and veterans. It is an unfortunate time, our cause for this call, but it is an honor to be on the call with such great people to put our heads together to come up with solutions to this pandemic.

First of all, with our casino and the Tribe, we've been providing full wages and salaries and benefits for the continuation for full furloughed employees directly affected by business, offices, and closures. Those that are unable to telework are employees that are considered essential, we've kept them on the payroll. If the NHBP and our casino are unable to continue covering payroll and the benefits for our employees at this time, the loss of payroll will impact the local economy.

A more recently completed economic study conducted by the Upjohn Institute for Employment Research found that our casino's economic impact in the local economy supported an additional 2,500 regional jobs, $55 million in payroll, and contributed over $250 million to the gross
regional product. NHBP provides approximately $19 million and $6 million in state and local revenue sharing payments from our gaming revenues, which support state economic development initiatives and local government services and education.

Firekeepers has been closed and this will have impact on the local economy.

Some of the recommended permitted use of relief that we are proposing -- we are very aware that significant expenses in direct response to the Covid-19 pandemic have been incurred. Those expenses include but are not limited to the continuation of payroll and benefits for employees who have been furloughed due to either business closures or social isolation mandates, continuation of health insurance and other benefits for employees who will be subject to temporary layoff, increased expenditures directly related to closing or significantly reducing operations at government and business offices, or moving staff to telework arrangements. Other expenditures for government operations and
services that otherwise would have been funded
(inaudible) for the loss of the revenue, costs
associated with suspension of construction
projects we have incurred, the loss of revenues we
do need that otherwise would have been transferred
to Tribal Government accounts in 2020 (inaudible)
period in 2019.

We would like emphasize that unless the
Small Business Administration revises its proposed
rules governing eligibility for the Paycheck
Protection Program loans, a majority of Indian
Tribal Governments will particularly be hit hard
by the financial impact of Covid-19, in that they
will be unable to access a pool of funding to
cover payroll benefit cost related to business
closures. While NHBP's casino enterprise would
not qualify for those funds under the 500 employee
limit for small business loans, a substantial
number, if not a majority of Indian Tribes, will
have been cut off from accessing these funds. If
this is not corrected by the SBA, this will force
every Tribe to look almost exclusively (inaudible)
allocated under Title V for nearly all Covid-19 relief funding.

Recommended formula criteria for distribution of funds, the NHBP is aware that both Treasury and Interior officials have a preference for utilizing a simple formula or criteria for distributing these funds within Indian Country in order to expedite delivery of these critically needed funds. The NHBP urges Treasury to recognize that a one size fits all approach will inevitably result in inequities and fail to account for regional and tribal specific impacts. According to the NHBP, we do not support a formula based on a single criteria such as Tribal population. Tribal population alone will not account for the degree to which the total Tribal population depends on Tribal Government programs and services and the additional burden costs a Tribal Government may be experiencing as a result of this pandemic. We believe a blended formula that provides a guaranteed minimum amount of assistance to even those Tribes that may not have
the resources to prepare self-certified statements of costs while providing flexibility to account for both Tribal specific impacts and economic impacts can be implemented efficiently. While not perfect, this can provide the most equity with the greatest speed.

NHBP representatives have reviewed the proposal submitted by various individual Tribes and intertribal organizations and suggest that the process articulated by Gila River Indian Community provides the most equitable solution to best meet the immediate and same potion of the anticipated future needs of Tribes to respond to the economic (inaudible) in Indian Country.

The critical elements included in the Gila River proposal, which we believe should be adopted by Treasury, include the guaranteed minimum distribution to cover costs, expenditures, even for the Tribes without resources needed to prepare a certified application within the timeline set forth in the CARES Act, a cap on the total amount that may be allocated to any single
Tribe until such time as every other Tribe is able to either obtain a minimum distribution or submit its own certified application. Lastly, a formula by which each Tribe can calculate and submit request for assistance that includes consideration of population, employment numbers, and financial impact on the existing governmental operations and budgetary commitment impacted by the Covid-19 pandemic of Covid-19 related closures.

I just want to take this time on behalf of my elders and my veterans to thank you for this time, for the Consultation. Again, I hope this finds all the Tribal Nations doing as well as they can. And please do not take these requests as any disrespect. I know we all have different wants and needs out of this process and this is just a couple of the focal points that we have submitted for comment.

And I want to say (speaking native language) to everybody and (speaking native language)

MR. CRUZ: Great. Thank you, Chairman
Stuck. With regards to the SBA PPP, obviously folks on the all know that that's a separate agency. However, we've heard loud and clear from Indian Country of their concerns and Assistant Secretary will weigh in as appropriate. And we thank you for your insight and comments.

Operator, we're ready for the next caller.

OPERATOR: Warren Morin, your line is open. And please state the Tribe you represent.

MR. MORIN: Thank you. Thank you for the opportunity. My name is Warren Morin. I'm the Mountain Gros Representative of the Fork Belknap Indian Community. We have two Tribes here, the Assiniboine and the Gros Ventre. We're a large line based Tribe. We have 675,000 acres.

Right now, you know, we're looking at our increased expenditures. You know, we're a poor Tribe. We have a lot of services that we're trying to provide right now to elders who are sheltering in place, delivering food, medicine, and stuff like that. And we have a curfew and a
shelter in place order. So we're trying to increase security and the police have been not funded at a level that it should be. And a lot of the stuff goes back to 638 contracting that were never funded at the level we should be when it comes to a lot of that kind of stuff. And the -- what do you call it -- the level of police force that it takes is probably 50 percent less than what it should be.

And also this pandemic is going to expose problems in Indian Country for us large line based Tribes that are poor.

And I speak for a lot of Tribes here. We haven't had a voice in the last call. I was kind of a little frustrated. You know we have the Blackfeet, the Crow, Chippewa Cree, (inaudible) and Sioux, and several large land based Tribes in this Rocky Mountain region and we weren't given an opportunity to hear our voice.

But one thing I can speak for is we all live in the same conditions where multigenerational families in housing. You have a
dozen people living in a three bedroom house and that pandemic is going to expose that. The order they have from the CDC that their policy was to go home and isolate, you know. That's not going to work, you know, for us. Whoever is in that household is going to catch is and spread it around. Historically we don't do very well with pandemics. The small pox came through and the 1918 flu. We lost up to 20,000 members. As a Tribal Leader I'm very worried about this pandemic coming through. We have a low level of healthcare. Our nearest ventilator is 200 miles away and we're unsure if we've got our share cut out to be served. My worry is that we hit an apex here, we're going to have a heck of a wreck on our hands, you know. And I worry about that. I don't want to lose anyone.

But we need help with a quarantine facility because, like I said, we can't send people home. We need to change that policy out here in poor third-world America here. We need to change that to where -- to a quarantine facility.
And we also need to have the technical assistance from the Trust Responsibility of the government to come in and help us with that. So far we've been screaming for help and we don't get anything. You know, I asked the Bureau this a couple of days ago -- the Bureau of Indian Affairs what are their roles and responsibilities. All I got was a bunch of political runaround and I didn't like that answer. You know, you need to define those roles and responsibilities for IHS and for BIA and the government, you know, how they're going to do this.

We're operating on thin funding, stretching it out as far as possible since we lost our enterprises, all got shut down. What little money we were getting from them were helping with some of our services. We're going to take a hit on that.

But, anyway, I would like to -- considering your formula for large land base Tribes in rural setting with poverty, you know, we did a study in our schools here a couple of years
ago. We found that 35 percent of our kids are homeless, they don't have their own room, their own bed, so they're growing up sleeping on floors and on couches. And that's a real disaster here and we need to -- even after this pandemic blows by, we need help with the government, you know, for that.

Also we should look at our healthcare services that were provided, the patient load, you know. We just don't have the capacity to serve everyone. And if you look at our organizational chart, because of our location, we're out in the middle of nowhere, we can't fill positions of doctors. We're down a couple of doctors, a couple of nurses, and several other positions. I think there's like 22 or 23 positions that are vacant through our organization chart, especially at a time like this when we need them the most. That's very critical.

If my voice sounds a little shaky and everything it's because I'm angry, you know, because of the government's failure and Trust
Responsibility to help us and leaving me in a bad position to where I have to answer to my people and I don't have answers to give them, you know.

But I appreciate the opportunity and I appreciate any help, any funding that comes our way. But I just wanted to put this out there on a national level that it's not just our Tribe. You know, you look at the Sioux in South Dakota, all us Northern Plains Tribes, we're out in the middle of nowhere, we're poor and we don't have large casinos and no money. And I was pretty angry because I think there was one call from Great Plains Tribe and zero from the Rocky Mountain region. I think these meetings you have need to be based on regions. You know, the calls to be coming in by the region or do them separately.

But, anyway, thank you.

MS. SWEENEY: Thank you. Can you repeat your name, your title, and where you're from for the record? I want to make sure that the court reporter has it accurately.

MR. MORIN: Yeah, my name is Warren...
David Morin; I'm the Mountain Gros Representative from Fort Belknap Indian Community, located in Montana.

MS. SWEENEY: Okay, thank you.

MR. MORIN: Rocky Mountain Region.

MS. SWEENEY: I also would like to just point out that the Rocky Mountain Regional Director for BIA does host calls within the region twice a week with Tribal leadership. If there are questions or there's assistance that's needed, especially technical assistance, that is the role of the regional director during the Covid response.

To answer your question and to provide clarify for those on the line, the regional directors within the Bureau of Indian Affairs are there as a resource for Tribal Governments and they're there to provide technical assistance. The lead agency for Covid response is FEMA and we work through IHS and HHS. And during the calls that the regional directors host on a weekly basis, and in some instances twice weekly, we
strive to have our Federal partners participate on those calls so that they are available to answer these types of questions with respect to quarantining areas, PPE supplies.

And I would encourage all of those who are seeking additional information to check out the CDC website. You can also go to the BIA.gov website and there's a link on there for all of the information that we have that's publicly available that we've -- the information that we have communicated to Tribal Leaders from BIA, from BIE. And the information that we have posted regarding the CARES Act, as well as links to FEMA, links to IHS, links to the CDC.

Thank you.

MR. WARREN: Yeah, I just wanted to point out that FEMA -- we have to put up money to fund that on the front end of that. FEMA doesn't fund on the front of that. We don't have money for that, so. You know, usually we have to submit all our records and then get reimbursement on the backside of it, but we don't have money to fund it
up front in this particular incident.

Thank you.

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

OPERATOR: Thank you. Brenda Mead, your line is open. Please state the Tribe you represent.

MS. MEAD: Good afternoon. This is Brenda Mead, Chairman for the Coquille Indian Tribe and it's an honor to be on the line today with so many Tribal Leaders and to just say thank you for the amazing conversations that have happened and advocacy by those Tribal Leaders for their community and for their Nation.

I too have -- we have also put in written comments, but today I just want to just urge you decision makers here today to really think about what you've heard today from Tribal Leaders, that the need in our communities is -- and impacts -- the impacts to all of us is huge. And it's different for each Tribe. And if we can do something, whatever that formula looks like,
that support sovereignty and determination and allows flexibility for the Tribes to identify those needs in each of their communities, because we are very different.

And I also would urge you to remember that a majority of the Tribes are small and medium Tribes across this Nation and that there are many different barriers we each have. For the Coquille Tribe, we are a Nation here in Western Oregon and we lived through 1954 Termination Act and we fought our way back for restoration, to be restored again, to be Federally-recognized as the Nation that has been here since time began. Every Tribe has a different history, every Tribe has had their struggles. We also struggle with separation and very productive assimilation programs here in Oregon.

I just would like you to think about things in a fair and equitable way, and I know that you will. I know that these are urgent needs for the Tribe and they're different. I would recommend that you consider maximizing the base
funding for all Tribal governments to be distributed on an equal basis, similar to what the states are.

I was on a call recently with the White House and heard that they understood that all of the states are sovereign and they understand the needs of their lands and their people. And for the White House to recognize the sovereignty for states, we also need them to recognize the sovereignty of the Tribes and that we know what the needs are. I would urge you to not -- please, do not make us put our people to work to report information, to be required to explain our needs or to report the number of employees we have or the costs that we've incurred and make us sit down and have to do work for this. We are doing work right now because it is impacting our Tribe and out communities.

The Coquille Tribe is a small Tribe, but we are the second largest employer in Coos County where our administration is located. And I would just say that again shows that we're very
different. Our land base is different. We are tasked to purchase our land base back and we are doing that today. But listening to the Tribes in Alaska and listening to the Tribes on the East Coast, in order to make it fair to all, that maximum base funding has got to be the priority.

As well I would urge you to not recreate the wheel and to make this difficult for Tribes. There are things place. Tribal side adjustments, similar to what the IHS services do to deliver funding bases. This has been happening forever and it works. And I would just urge you to think about rural and remote Tribes in some form because there are not the resources in our communities that some Tribes have.

Again, that's separating Tribes and I don't like to see that. I would just urge you to support our sovereignty, support our self-determination. We are self-governance Tribes. Allow us to take care of our people and to do things in our community that we need desperately right now.
So that's all I have to say today and I just appreciate everyone's time and attention. And to the Tribal Leaders, (speaking native language).

Thanks.

MR. CRUZ: Thank you, Chairwoman Mead. Appreciate the comments and it's always great to hear from folks back home in Oregon.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Melanie Bahnke, your line is open. Please state the Tribe you represent.

MS. BAHNKE: (Speaking native language) I'm Melanie Bahnke and I represent Kawerak in the Bering Strait Region of Alaska, and we're a Tribal Consortium comprised of 20 Federally-recognized Tribes. Our service area is about the size of West Virginia.

First of all, I want to thank you for incorporating input from Tribal Leaders across the Nation as you make decisions that could literally
make the difference between a community's quick response and survival to the potential for being annihilated as we experienced many of our communities completely disappear and succumb 1918 Spanish Flu. We do not want to repeat that.

Our region is especially vulnerable. We have a vulnerable population. We've got five communities without water and sewer. The State of Alaska has an annual housing assessment and our region has the most overcrowded village in the whole State of Alaska, my hometown of Savoonga, where we've got some families who sleep in shifts because they don't even have floor space. Some one bedroom houses with 27 people living in the house. Our healthcare is accessible by air to our main hospital here in Nome. We have no roads that lead into Nome other than for one village, and that road is only accessible in the summertime.

We also, on top of the lack of water and sewer and crowded housing, we have five villages that are listed as being in imminent danger because of erosion and extreme weather.
circumstances.

So I want to thank you for the decisions that you will be making that are going to have a very real impact on the people that we serve in our region. The recommendations that we provided, and we did submit our written recommendations, don't come lightly for us. These were very well thought out. And what we're recommending primarily is the broadest possible use with maximum flexibility, be allowed to tailor to the needs of communities. Kawerak as an organization has already been proactive as we prepare for the impact of Coronavirus.

As an employer we have people working remotely. We've provided our higher education students with some resources because our universities have been shut down and we didn't want them to be stranded and become homeless at the places where they were going to college. So we are already expending real funds. We've outfitted our foster parents with internet because family visitation is no longer allowed, face to
face visitation with children and their families, so we're trying to allow them to have some connection for their families.

So allowing maximum flexibility is going to be very important. And that broad category, including infrastructure be allowable expense -- as I mentioned, our lack of water and sewer and housing issues, but there are also transportation need, technology needs. And then food security issues are very real to us.

I have been participating in the BIA Alaska Regional Office teleconferences and am really grateful for that. We're looking at accessing USDA supplemental food for our communities with the disruption of groceries being flow out to our villages. With Ravn Air shutting down, some of our shelves are pretty bare in our village stores.

If not met through this CARES Act, the water and sewer, the lack of water and sewer needs to be a basic provision of future bills. This virus has brought out how glaringly far behind our
Native communities are when compared to the rest of the U.S. So another recommendation that we have is if not through this CARES Act, that future bills must incorporate water and sewer as a basic need for each of our communities.

And we also recommend that a cost of living adjustment be considered for the different geographic regions. Alaska is extremely remote and we have very real cost differentials to provide services in our region.

To my fellow Tribal Leaders on the call, I pray for your communities. Now is the time for us to support one another. We're all relations, we're brothers and sisters and I hope that you and your citizens remain safe. And, Tara, especially you. We're praying for you to make the right decision that will benefit our Tribal members throughout the United States.

Thank you.

MS. SWEENEY: (Speaking native language)

Thank you for your comments I appreciate the sentiment and I hope that your community is safe
during this upcoming whaling season.

   With that, operator, we're ready for the
   next called.

   OPERATOR: Thank you. Amanda Vance,
your line is open, and please state the Tribe you
represent.

   MS. VANCE: Hello, this is Amanda Vance,
Tribal Chairwoman of Augustine Band of Cahuilla
Indians, located in Southern California.

   We don't have the land base or the
population. Our Tribe consists of 16 members, but
we employ over 500 employees.

   We would like to recommend this three
step formula that would ensure even small Tribes
would not be overlooked. The minimum
distribution, first step. Second step, population
pro-rated. Third step would be the remainder
would be specifically for economic impact.

   And I hope everyone is safe and staying
home. Thank you.

   MR. CRUZ: Thank you.

   MS. SWEENEY: Thank you for your
comments. Operator, we're ready for the next caller.

OPERATOR: Thank you. And, Chairman Cromwell, your line is open and please state the Tribe you represent.

MR. CROMWELL: (Speaking native language) Hi, good evening, good afternoon. This is Chairman Cromwell of the Mashpee Wampanoag Tribe.

Thank you for having this call, Assistant Secretary Sweeny and Treasury. Much appreciated. Thank you to all the Tribal communities on this phone as we are family and sticking as one with this very important struggle, the crisis we're dealing with.

I also want to recognize Chief Kirk Francis of USET, as well as Chairman Rodney Butler.

The Mashpee Wampanoag are in a crisis. The Commonwealth of Massachusetts is one of the hardest hit in the country. Our members are testing positive and are in dire straits. We need
increased services, support particularly for our elders. Homelessness has significantly increased since families are torn apart by the pandemic. I've heard many Tribal leaders talk about how we as communities live with multiple generations in homes and now we're seeing increased homelessness, which is a burden and a challenge from, you know, funding and trying to find an inventory capacity for our people to be able to live safely. So we need increased operational staffing services to serve our membership as soon as possible.

We must provide employees PPE safety gear so that we can help. We must also offer mental health services as growing populations are suffering from drug addiction and it may worsen at this time. We need to provide safe transportation, sanitation, food supplies, and water supplies, and every service and basic need you can imagine. These basic needs must be provided during this pandemic as members cannot work and support themselves or their large families. The Tribe has no surplus to support the
increased needs.

A fair share universal payment should be issued and allow all Tribes to receive support as needs vary significantly, but still are urgent. Land base and economic factors should justify additional requests above the universal payment that should be in -- you know, an arena for 2 million.

We will submit written comments. And thank you for your consideration.

Also, Assistant Secretary Sweeney, you mentioned funding from the BIA to Tribes. Just wondering how that will work as you mentioned services through PAS.

MS. SWEENEY: Thank you for your comments. Yes, we will be sending out a Dear Tribal Leader Letter on Monday with additional information on a separate conference call that we can -- that we will host to discuss the $453 million for BIA.

MR. CROMWELL: Okay, great. That's awesome. Much appreciated. But we need your
support. And thank you for working with us.

We're getting hit by this and we're starting to see growing numbers with the pandemic hitting our Tribal members.

So thank you for your time. And, everyone, please be safe and take care of yourselves.

MS. CRUZ: Thank you, Chairman. Operator, we're ready for the next caller.

OPERATOR: Thank you. And Bob Peters, your line is open. Please state the Tribe you represent.

MR. PETERS: Good afternoon. Thank you for the opportunity to provide comment. I'm Bob Peters. I'm the Tribal Chairman for Gun Lake Tribe of Michigan.

I have a few comments. Treasury should allow Tribes and states to independently define the use of the funds provisions and how the funds may be spent. If Treasury is going to issue guidance the use of funds provisions must allow for CRF funding to mitigate lost revenue. Both
the states and Tribes are lobbying Treasury for this interpretation and we stand with the State of Michigan regarding their position on the use of funds, along with the various other Tribal Nations.

Lastly, we support the base line funding of $1 million per Tribe, then the $1.5 billion distributed pro rata based upon Tribal population. The remainder of the funds should be distributed pro rata based upon proven economic impact measured by total wages paid. And we will be willing to self-certify of this economic impact.

Thank you for your time. Stay safe and stay healthy, everyone.

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

OPERATOR: Thank you. Bryan Newland, your line is open, and please state the Tribe you represent.

MR. NEWLAND: Hi, good afternoon. My name is Bryan Newland. I'm the Tribal Chairperson for the Bay Mills Indian Community way up her in
Northern Michigan.

   And, Dan, it's nice to hear a fellow Michigander. And I assume you're a long suffering Detroit Lions fan, just like me.

   MR. KOWALSKI: Yes, sir. Thank you.
   MR. NEWLAND: I have a few comments if you can bear with me.

   I think the Treasury Department should interpret the ambiguities in the statute in favor of Tribes consistent with Federal law and policy and make sure that we all have the flexibility we need to determine our own needs. A base level of funding is important because we can't project the spread of this disease and we need to run our governments in order to have staff to incur additional expenses.

   The statute speaks to unbudgeted costs. We didn't budget for no government revenues from our gaming facility. But at the same time we're not asking to cover our business payrolls or a casino bailout with this relief fund. The Trust Responsibility extends to Tribes and Indians and
not others.

Other parts of the CARES Act are supposed to cover those business concerns. And I will note that SBA's rush guidance on the paycheck protection program excluded Tribes like Bay Mill entirely from the paycheck protection loan program, leaving us with no choice but to put 400 employees on unpaid leave status.

These funds should stabilize each Tribal community and they must be equitable. Indian Country could conceivably put together hundreds of billions of dollars in justification, yet we only have $8 billion in this fund and it has to be equitably delivered between large gaming Tribes, large population Tribes, large land base Tribes, Alaskan Native communities, and rural Tribes so that everybody has what we need to run our governments and take care of our communities.

And, lastly, I think that these funds should come down through existing methods. As somebody said, we don't need to reinvent the wheel here. (Speaking native language)
MR. CRUZ: Thank you, Chairperson Newland, for the comments and appreciate your leadership and all you do.

Operator, we're ready for the next caller. And just noting the time, we are three minutes to 3:00 p.m., everybody. So if we can continue to keep our comments succinct, we'd greatly appreciate it, to get to as many Tribal Leaders in the waiting queue as possible.

Operator?

OPERATOR: Thank you. And Ron Allen, your line is open and please state the Tribe you represent.

MR. ALLEN: Good morning -- or afternoon, folks. So Ron Allen. I'm the Chairman, CEO for the Jamestown S'Klallam Tribe located in Western Washington State.

I spoke briefly at the last government to government Consultation last week. And thank you again for the opportunity.

Our Tribe is very supportive of keeping the formula or model that you use for disbursement
of the funds very simple. We agree with Tara's comment about trying to do this in a very efficient and timely manner. We're very restricted on amount of time.

We think that the youth population is a viable factor, but we like the idea that is being floated around about taking Tribal enrolled numbers and band them so that you have them in aggregate numbers so that it's easier to find a base for each band of members. For example, 1 to 500, or 1 to 1,000, 1,000 to 3,000, et cetera. So it's just going to have to be some arbitrary numbers and breaks that the consideration would consider it.

We think that land base is factor. We agree that the ability to serve the citizens might vary from Tribe to Tribe because of their land base, but we do not want to see the small Tribes and even landless Tribes get marginalized out because of that factor. So it should be a factor but not a large factor in our opinion.

We agree with the idea that employees is
a factor, but we are concerned that you can gather that kind of data, that you would have to use one set of data. For example, the casino employees or the Tribal Governmental employees as relevant factors. So we're not sure that you can gather right kind of data for employees, even though it would be a very relevant factor to be used.

We like the idea that there definitely needs to be a minimum, and that's the banding idea from our perspective. But there needs to be a consideration of a cap so that a small percentage of the Tribes command the largest portion of the $8 billion, which would be disproportionate. So there needs to be a way to control that.

We don't know the number. We had assumed that the Treasury and Interior are going to run models to see what happens there, to see if that kind of a factor would be considered.

So those are the issues that we want to raise. We do believe that these are very, very important economic relief numbers for funding to complement what we're receiving through the BIA
and through IHS and HUD. They are all very helpful for us to get through these trying times.

So those are our comments and we hope that you can make decisions. And I guess the last comment I'll make is there will not be a perfect system. There will be some outfall somehow, somewhere, some way because of just the complexity of our Tribes across the Nation.

Thank you.

MR. CRUZ: Thank you, Chairman.

Appreciate your (inaudible). Operator, we're ready for the next caller.

OPERATOR: Thank you. And Steven Roe Lewis, your line is open and please state the Tribe you represent.

MR. LEWIS: (Speaking native language) This is Governor Stephen Roe Lewis of the Gila River Indian Community, Akimel O'otham and Pee-Posh people.

Good afternoon and thank you for holding this important Consultation today to hear from Tribal Leaders. And Tribal Leaders, you know,
really what we're all going through, just to hear my fellow Tribal Leaders, you know, from coast to coast, from all the up to Alaska, all the way down to our Southern borders in Louisiana, you are giving -- and I know all of us are really, you know, getting a real boost from hearing some great, eloquent, articulate Tribal Leaders from the Great Plains, all around, and from Mashpee as well.

And so I appreciate -- and thank you again. You know, I appreciate you holding this second Consultation.

I was on the call last week and it was very instructive to hear from the agencies and my fellow Tribal Leaders and gave my community a lot to think about as we developed our viewpoints on how to prepare our written comments to the Consultation.

Based on comments from last week and other conversations, there have been a lot of discussions about how to allocate funding to Tribal Governments. The community went back -- we
went back to the Act and its intent to provide relief funding for Tribal budget deficits caused by the Coronavirus. There is no formula contemplated in the Act. And it is our strong belief that we need to have a process that is need based. I will repeat, that is need based. I know that some have commented that based on the expedited timeframe to disburse the funds there isn't enough time for an application process or for Tribes to be able to provide a self-certified estimate of their individual needs, but I fundamentally disagree with that conclusion, everyone.

Each Tribe has all the information it needs to prepare a certified estimate of needs and we must do that, all of us. There is information that all Tribes have that is readily available and can be completed in an hour or two. And that is what the Act anticipates.

One, the 2019 budget, two, the Tribe's budget for FY 2020, including anticipated revenue sources to support it, and an estimate by month of
the deficits being caused to those Tribal budgets by increased costs and decreased revenues to support the budgets, excluding any planned savings or per capital payments. Since none of us know when we'll be able to reopen our businesses, our enterprises, we should provide an estimate that is based on reopening on May 1 as we all hope, but also by June 1, as it seems more realistic.

Tribes should submit this Covid-19 relief estimate to Treasury with a certification that states that this is a good faith estimate on its part of what it can expend on Covid-19 costs as required under the Act. This type of estimate of needs could be easily reviewed by the agency and would also provide a realistic view of the actual needs of Indian Country.

This is important. We must show the actual needs of Indian Country to Congress. When we went to Congress -- and as you know, Tribal Leaders, we proposed $20 billion for the Tribal relief fund -- we were told by our congressional representatives that we couldn't justify our
numbers. If we don't take the time now, and there is still time to do this within the timeframe remaining, then we will end up shortchanging Indian Country in the end because we won't be able to show that we need additional infusions of funding at a later date.

We also feel strongly that there should be a minimum reserve for each Tribal Nation. No one should be left behind during this crisis. That is not who we are as Indian People. I also think a cap for this round of funding would also be necessary to ensure there is enough funding to go around and to make sure all of our unique needs can be met. The fact that the House has now started a process to add additional funds for Tribes in the fund should alleviate some concerns from Tribes that a cap might leave them with insufficient funding to meet their actual needs.

The Community submitted comments to the agency -- on Tuesday we submitted our comments and we may submit supplemental comments based on today's Consultation.
Again, I want to conclude by saying I appreciate the thoughtfulness the agencies and the Tribal Leaders and the passion they are bringing to this. And the Gila River Indian Community is keeping all of Indian Country in its prayers as we go through our crisis.

I also want to say we strongly support our community NAFOA, their comments, but I also have a question as well to Treasury. When you talked about in your earlier comments, what is Treasury thinking about regarding the formula? Can you maybe explain that? Your thought process?

Thank you.

MR. KOWALSKI: Yeah, all I meant with respect to the formula is that is I guess we take some issue with your statement that we would be able to do a full assessment of need in the time available to us. I think the statute wants us to get funds to the Tribal communities as well as states and territories as quickly as we can. And I see that as being somewhat at odds as we sit here today on -- what is it -- the 9th of April
and being able to get funds out the door quickly with data that is easy to come by, relatively easy to test for reasonableness. And so that's why it seems to me that a formula becomes the most efficient way to get a fair rough justice kind of allocation and distribute it, you know, in the next two weeks.

MR. CRUZ: Thank you, Dan. Thank you, Governor.

MR. LEWIS: Thank you.

MR. CRUZ: You have a follow up?

MR. LEWIS: Just that, you know, I mean Tribes -- I think that the Tribal will is a full assessment of the needs, and we're willing to provide that. I mean we're capable governments, whether we're small Tribal Governments -- and you've heard, you know, we -- you know, we're sovereign Tribal Governments and I think we're able to at least provide, you know, what I articulated just now and we're willing, you know, to share our methodology to any Tribe who's interested.
Thank you again, Miss Sweeney, Assistant Secretary, Mr. Cruz. Thank you for everyone the call. Thank you for at least hearing us on the second Consultation. (Speaking native language) Prayers to everyone.

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

OPERATOR: Thank you. Chairman Bill Iyall, your line is open. Please state the Tribe you represent.

MR. IYALL: Good afternoon. (Speaking native language) And my name is Bill Iyall. I'm the Chairman of the Cowlitz Indian Tribe in Western Washington. Sending thoughts and prayers to all my relatives and to our Federal partners today.

It is an honor to hear the stories to (inaudible) we're told to do is tell our story. We support a simple allocation and even potentially maximizing the base lending to all Tribal Governments, maybe even up to half of the
$8 billion, thinking about how to get that money out early and where it's well needed.

The equitable distribution would be similar to that utilized for state and local governments under Title V of the CARES Act, thus ensuring fulfillment of the Federal Trust Responsibility of all Tribes.

The Cowlitz Tribe has more than 1,500 employees in Western Washington. We have closed our most important governmental revenue resource, the Ilani Casino, furloughing more than 1,200 employees. We know that the total funding available is far less than the need, but we can see the value of also recognizing service area. We service Western Washington from Seattle all the way to Portland. And a lot of urban natives outside of our Tribe we service in our clinics. And so we have substance abuse disorder treatment for those in most need right now. So we're maximizing our services through telemed.

I think Tribes in hot spots are the most impacted. And certainly we were the point of
entry in King County, Washington State. So I think that should be an important factor as well.

Following distribution, the funds that are distributed should only require the Tribal Government to certify that they were used for purposed identified in Title V so that the Tribal Governments can devote their resources to disaster response rather than compliance and reporting. If the Tribal Government self-certifies, just as the state and local governments are permitted to self-certify, the certifications shouldn't be insufficient for compliance purposes, absent showing of a fraud intent.

It's important that we believe that the implementation aligns with guidance that's provided to you by the National Congress of American Indians and certain members of Congress that increased expenditures under the Act should be interpreted broadly. And I would refer the letter from NCAI to Secretary Mnuchin, that is March 29, 2020.

And, again, we send our thoughts and
prayers out to all our relatives and to the Federal partners.

Thank you.

MR. CRUZ: Thank you, sir. I appreciate the comments. Just noting for Tribal Leaders on the call, we would love to hear from Great Plains region, Oklahoma, New Mexico. We want to try to distribute the comments around. And I hate to be the bad guy -- if you previously spoke -- and we're trying to get to as many different Tribal leaders as possible, so let's do our best to hear from those who have not had the opportunity to speak.

Operator, we're ready for the next caller.

OPERATOR: Thank you. Don Kashevaroff, your line is open and please state the Tribe you represent.

MR. KASHEVAROFF: Good afternoon. Don Kashevaroff, President Seldovia Native Association, Council Member of the Seldovia Village Tribe, IRA in South Central Alaska.
And I want to say thank you very much for holding this Consultation. And, Mr. Kowalski, congratulations on having the biggest pot of money to distribute to American Indians in -- I don't now, at least the 25 years I've been around fighting for funding distributions from the government. So you have a good task on your shoulders, sir.

As I said, many of us have been in the fight for a long time, pushing to get the needed resources to our communities from the Federal Government, from the Trust Responsibility. Many Tribes have taken upon self-governance to try to better ourselves, take care of our own people when the Federal Government wasn't able to do that for our Tribes. My Tribe is one of those Tribes like that. It was kind of like our folks are dying, your Tribal members are saying why are they dying, we elected you and you go well, we just need to do it ourselves. And many Tribes have created industries to improve their Tribes and help their people.
This pandemic has caused major damage to pretty much every Tribe in this country, all the Tribes in this country, whether a Tribe is large or a Tribe is small. The larger the Tribe is, the more industries you're going to have, whether you have casinos or not or different operations. The smaller the Tribe, you might not have as many, but you also don't have the economies of scale that some of the larger Tribes have. So you're faced with higher costs, being able to provide less service to your members.

So having sat through IHS and Indian Health Service formula teams for a long time, I want to offer a very simple solution to your problem, Mr. Kowalski, on how to distribute the funds. When I heard that, you know, from 50 percent to tribes, 50 percent upon population or land or employees, all the way down to very small amount to the Tribes and the rest on land population, number of employees, there is a lot of Tribes, there is a different idea from every one of them almost.
So one thing I see in my life is there are certain rules. And I'm a finance guy, so there are certain rules that kind of just work out, and one of them is the 80-20 rule. So I would propose to you that an easy way -- I know, oh, this is too easy -- but actually it comes out better for everybody more often than not. So take 80 percent, divide it on population and then, you know, maybe you have to split it between what's called a large Tribe and basically say 80 percent divided upon the size of the Tribe. And that's usually a population -- some folks with no land have a huge population and vice versa. So 80 percent divided on population and then 20 percent divided per Tribe. That would take care of the economies of scale that the small Tribes have, all the costs the small Tribes have, and I think it would be a good compromise, because that's what we're looking for. We have to have a compromise. And I know you have to do this very quickly.

And I understand the Act, I've read it many times, that, you know, you're looking for the
costs that we have to bear based on Covid that weren't in our budget already.

But a real quick example, if I may, on some things that weren't in -- that -- for Seldovia Village Tribe we have a ferry boat that we are going to turn out here in a couple of weeks that takes our members back and forth to the road system. The other option is to fly in a small Cessna plane. So we already had this in the budget. We have the revenue coming in and the costs come in and the revenue all comes from the tourist dollars from those folks hopping on the ferry, coming over to our village, and then our members get to ride also. So tourism keeps this ferry, a fast ferry running. And we know that this summer we're not going to have those tourists, so we're going to run a deficit in the ferry.

Now, like I say, well, you know, you already budgeted $350,000 to run the ferry and it's not going to cost you any more than $350,000 to run the ferry, so you don't have any loss. Or
under the Act it doesn't impact you. But I would say, as many said last time, and some are saying today, is that even though we might have budgeted straight across, we're all going to have a loss. Because anytime we have a tax loss, a tourism loss, some type of revenue that doesn't come to us, we have a loss.

I just wanted to mention that because DOI has the (inaudible). BIA released a press release from Senator Martha McSally from Arizona that Arizona's Tribal communities rely heavily on industries hardest hit by the fallout created by Covid outbreak, including tourism and hospitality.

So regardless of how the Act -- one could say well it doesn't cover what you budgeted for already, you have to have something extra, I would say to you that the Senators believe that those losses that we have in tourism, in hospital, the ones who are getting hit, would actually count in the language that they wrote down and they passed.

So, sir, I offer, you know, an 80-20
really simple -- too simplistic maybe, but maybe not, because some things work out that way.

So thank you very much for your time and best of luck.

MR. KOWALSKI: Thank you. I'll say I chuckled at 80-20 because for several years I worked for Senator Mike Enzi of Wyoming and his approach to legislation was his 80-20 rule. If I can get something that 80 percent of the senators would agree to, the other 20 percent would come along. And so it was his rule for legislating and I think he's been successful at it through the years.

I'll comment also on what -- and this is not different than what I said last week, but I think it bears repeating here -- what we are looking for is your honest and somewhat creative assessment of what is an expenditure that is higher than it would have been because of Covid-19. And I think your ferry boat example seems to fit I think more of say an employee who was doing work in one title, you know, or one job
title, right, that then had to start taking on a
different role, more of a public safety role or a
response role because of Covid-19. It's the same
person and indeed they were, you know, in your
budget base line, but they're doing Covid work,
they're not doing their in title work. And that
seems to be appropriate. And what you are
suggesting with your ferry boat is you can see
that in a somewhat similar light, right?

MR. KASHEVAROFF: Yes. I mean that's --
what it comes down to is the money that we've seen
-- we had to employ those -- to pay for employees
we do not have any money and we won't have. So we
need to -- whether we redesign their jobs or give
them a new title, whatever, we still have the fact
that we need to pay our employees, we need funding
for it, and we can be creative when it all comes
down to it.

But 80-20 rule works in all facets of
life. So think about that.

Thanks.

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

OPERATOR: Thank you. Robert Miguel, your line is open. Please state the Tribe you represent.

MR. MIGUEL: Robert Miguel, Chairman of the Ak-Chin Indian Community, 40 miles south of Phoenix, Arizona.

Thank you for the Consultation and allowing me to speak on behalf of the 1,130 members of the Ak-Chin Indian Community. The Ak-Chin Indian Community has a number of diverse businesses, including the Ak-Chin farms, Southern Dunes Golf Course, Ultra-Star Multi-tainment Center with movies, complete with movies and restaurants, as well as Harrah's Ak-Chin Casino.

All of these businesses contribute to the revenue generated and collected by our Tribal Government. Our Tribe is trying our best to keep as many of our employees on payroll during this pandemic. Currently we haven't been able -- well, we haven't laid off or furloughed any employees, so we're covering them at this time. Although
this has come at a significant cost to our Tribe, we made this decision because we value our employees. The reason for our success and our financial stability is due in part to these employees who actually have been with us for a number of years. And again, they're the reasons why we're successful in a number of ways. We want to do right by them and their families.

However, we have limited resources to continue this and any funding from the Coronavirus Relief Fund will be imperative to ensuring that we keep any furloughs or layoffs to a minimum.

Because of these factors, we urge you to use methodology to distribute the CRF that is based on the economic impact of the Coronavirus. We recommend the best proxy for economic impact due to Covid-19 is to use the number of employees for a given Tribe and its enterprise directly prior to the pandemic. Employee numbers are relatively easy to ascertain and DOI could request that each Tribe certify how many employees they have.
At this time we would respectfully request that funding distributing should be made through the Department of Interior self-governance, compact and 638 contract funding agreement, if a Tribal Government chooses these methods of payment.

Again, I know we all are in a dilemma because of the virus and we're doing what we can respectively for our Tribes to continue our way of life. We appreciate, again, the opportunity to speak. And our thoughts and prayers are always with all the Tribes through this dilemma. And I know we'll stay united and we'll continue to work together. And, you know, again, we have faith in the system, the government, in providing us with the necessary needs to continue our way of life and to continue to provide for not only our people, but our employees, who we consider not just employees, but family, because, again, you know they are the reason for our success and who we are as a community. We've been able to give back to not only our people and our employees, but
the state overall through the businesses we do have in Ak-Chin. We've given out financially to a number of great causes, we've helped the economy in a number of ways. And, actually, our businesses here in Ak-Chin, which, again, we probably have a little over 1,200 employees combined, and we are the number one employer in Pinal County here in Arizona.

So, again, we respectfully, you know, request that, you know, we disburse as much as we can to Tribes all over the United States. We recommend that at least $6 billion of the $8 billion fund be distributed based on economic factors. We also request that every Tribe receive a minimum of $750,000.

So, again, we thank you for your time and your consideration and we hope and pray everybody can get together and get past this whole Coronavirus pandemic.

Thank you.

MR. CRUZ: Thank you, sir. Thanks for the comments. Operator, next caller.
OPERATOR: Thank you. Chairman Not-Afraid, your line is open. Please state the Tribe you represent.

MR. NOT-AFRAID: Good afternoon, Chairman Not-Afraid, Crow Tribe. Yeah, some of the other Tribes there I believe we're all on the same page. We also recognize that when we come to this dispute of whether it's land base versus per capita per Tribe, a lot of times we have difficulty in all agreeing. So I know I'm speaking to the choir here, but I just wanted to express that because there are also other areas that are not truly identified, meaning we have other avenues when you talk about the Tribal enterprises. We also have where there can be some forbearances removed with that, can assist those Tribes in those venues. And particularly I believe the casino part of it seems like they have some avenues that can be approved, whether it be White House or IRS or our Treasury. And those parameters it seems like we always end up bottlenecking into the services of just BIA and IHS.
So if you're treating Tribes -- government wise I understand the protocol and procedures for BIA helping and assisting and also vetting certain practices, but when you try to bottle all Tribes' enterprises under this current system, it's not going to work. And, again, I may be talking to the choir here, so I would respectfully request you all as our Trustees to ensure with your counterparts that we have access to those funds as well. Because when I do read some of the criteria, whether SBA or other venues, we do qualify for those, but then when we start working with those agencies they come back with saying, well, apparently Indian Affairs or BIA has your guys' funds or IHS has your guys' funds when knowing that there's various avenues that we can use, but we're being -- they're putting a ceiling on us not to venture that direction, such as even USDA.

So I believe the sister agencies under Interior can play a major role in their hierarchy of things to allow Tribes to access some of those,
because, again, some of those also are intertwined with Tribal functions. When you talk about adjacent roles -- example, park service -- they are also closing down due to Covid and we have members that live on or within the park service boundaries, as well as the park service itself being within the co-Tribal boundaries.

So there are some nuances for every Tribe. And I hate to take other Tribes' time up, but point being is that we're on board with you, Ms. Sweeney, 100 percent, but we'd also like to state there are some obstacles created, such as offsets, Treasury offsets of the Tribes' past practices. And some of this was prior to my tenure and we did receive some CDC funds and then those were offset by Treasury. So how do we account for that when Treasury will not respond to those things? Treasury will not even sit at the table to discuss whether it's payment plans or what from 2012, 2010, and yet they're garnishing these funds that are becoming available to Tribes for discretionary and/or Covid venues.
So I just wanted to express that so you're on alert. And if you can help in those areas -- and I'm not trying to sidetrack anything here, but I believe if we want to be effective in the accountability of this, where does that put the Crow Tribe?

So I wanted to voice that because we're not the only Tribe in that position. We recognize there's at least 100 other Tribes in that same position, and it's all due to whether it's payroll taxes or what have you. Even from casinos that have been shut down in the recent years are in that position.

So knowing going forward, when Covid funds are being offset by Treasury, who speaks for us at that level? And we can hire all the attorneys we want, but we end up getting put on hold on the automated system for four days straight and we can't even talk to an individual to vet that. We send letters, no response.

SPEAKER: Okay.

MR. NOT-AFRAID: We are hoping to
entertain another one here soon, but as people are insecure with funding, losing jobs, and so forth, it seems like the bureaucracy right not is deterring us from even trying to say in the game with applying for the Covid funds.

So I just wanted to voice that. And we do have a general plan to help in giving our input as to the allocation part and we would submit that through Susan Messerly through the Rocky Mountain Region. So she would also forward to that your offices. And I believe it will be a great tool for especially specifically large land base Tribes.

And I believe Vice President from Navajo is also on that same wavelength as we discuss other options and things that we'd like to commit to our services for Covid purposes.

MS. SWEENEY: Okay. Thank you, Chairman. Regarding the other issue, we're happy to continue to work with you and with the regional director as well. Your comments on the allocation, in addition to providing them to Susan
Messerly, I would also encourage you to email to Consultation@BIA.gov so that they're here at MIB to be reviewed in a timely manner and submitted for the record.

Thank you.

MR. NOT-AFRAID: Okay, sure. Thank you.

I appreciate it.

MR. CRUZ: Thank you, Chairman.

Operator, next caller.

OPERATOR: Thank you. Mark McCarro, your line is open and please state the Tribe you represent.

MR. MCCARRO: Hello, can you hear me?

MR. CRUZ: Yes, Chairman. And you may have heard my plea for folks who spoke last week, if we could try to get to Tribal Leaders who haven't spoken.

MR. MCCARRO: I appreciate that sentiment. We were shooting in the dark last week. So I'll be as quick as I can, as quick as possible.

MR. CRUZ: Okay.
MR. MCCARRO: As you may recall, we have 6,000 employees -- over 6,000 in our various Tribal enterprises. Like many of you on this call, the closing of our gaming facility and other Tribal enterprises has had an immediate and devastating effect on our Tribal Government operations. So we also will feel the impact of Covid-19 for many months, if not years to come.

For example, our status as reimbursers. Like many you, the unemployment benefits paid to our workforce will require a payment of tens of millions of dollars. So we understand the need to get these funds out to Indian Country quickly. And we want to stress the importance of also meeting the letter of the law in its intent to address the economic impact of Covid-19.

So in that vein we also support a three step formula that's been also mentioned on this call, which begins with $1 million distribution to each Tribe, and then a second component that is the $1.5 billion distribution based on a Tribe's population to ensure that the larger Tribes have
an additional funding to address their associated
economic needs, and then, really important is the
economic stabilization component, the remaining
$5.9 billion distributed pro rata based on the
economic impact to a Tribe, based on wages paid.
So the multifactor formula prioritizes the actual
economic impact of Covid-19 and it is the only way
that Treasury Department can remain in compliance
with the black letter the law of the CARES Act and
it achieves its purpose of stabilizing Tribal
economies.

I urge you to primarily consider the
letter and the intent of the law and consider the
(inaudible) formula for the distribution of funds.

So a question to you, Mr. Kowalski, will
you be providing guidance next week on the formula
and disbursement? We need that information for
our planning purposes as we make decisions, tough
gut wrenching decisions regarding our employees.

And I want to echo Poarch Creek's
comment that you cannot wait that long. There are
decisions we are making now and have to make.
So I appreciate your response. Thank you.

MR. CRUZ: Thank you, Chairman. Dan?

MR. KOWALSKI: Yeah, we are working to get guidance that provides maximum flexibility to governments who will benefit from fund proceeds. We hope to do that next week. Yeah, there's not more that I can say than that. We're working as hard as we can to get it done and we appreciate your difficulty, but I would hope you appreciate our situation as well.

MR. CRUZ: Thank you.

MR. MCCARRO: Well, we do. Thanks for that response.

MR. CRUZ: Thank you, Chairman.

Operator?

OPERATOR: Thank you. Terri Parton, your line is open and please state the Tribe you represent.

MR. PARTON: Terri Parton, President for the Wichita and Affiliated Tribes in Oklahoma.

Our Tribe has about 3,400 Tribal
members. And just to try to give you a little overview of our Tribe, we have our Tribal Government that has about 100 employees, we have our Sugar Creek Casino that has a little over 150 employees, our hotel that probably has about 15, our smoke shop that has 4, our childcare centers which probably have around 20-30 employees, and our travel plaza -- I'm not sure how many they have -- maybe about 15, and then we have our gaming commission that oversees our surveillance, so there's probably about 30 employees total within there.

You know, our Tribes in Oklahoma acted swiftly whenever this started and we shut our casinos down, we shut our businesses down just out of concern for our communities and our region. And we're paying our employees. We didn't want to leave them struggling with not only saving them from financial ruin, but making sure that they have food. The schools shut down, we wanted to make sure that their kids had food at home and stuff. And so we continue to pay them.
And then also, not only that, but you know all the mental health issues that's going to go along with all of this stuff.

And so what I want to say, I want to read you some of our comments and then I've got a few things just off of today's comments that I want to say. But the uses of the Coronavirus fund must include Tribe's fixed cost, which include payroll costs for the employees of our government and our Tribal enterprises. If we do not cover such costs, it could be disastrous, not only but our Tribes and our members, but our broader regional economy. Our lost profits from our Tribal enterprises must also be covered. Each day the absence of these government revenues puts our Tribe in a deeper financial hole as we work to continue to fund necessary government programs for our citizens and take steps to thwart hiring impacts of our Covid-19. These costs are now shared costs with no funding coming in to cover them. The expense side of our ledger is full and growing while our revenue side is empty.
All of our expenditures for preparing for and dealing with the Covid-19 pandemic, along with all of our expenditures thus far that are being incurred to replace our lost government revenue due to our Tribal enterprises being closed because of the Covid-19 pandemic are increased expenditures in fiscal year 2020 relative to our expenditures in fiscal year 2019. They are also all necessary expenditures for protecting and preserving our Tribal political integrity and economic security for the health, safety, and general welfare of our members, employees, and community during this public health emergency. We did not account for these expenditures in our fiscal year 2020 budget. When we were preparing our budget we had assumed that continuous operation of our Tribal enterprises and no global pandemic.

These expenditures already spent and the ones we will make going forward must be covered by the Coronavirus Relief Fund. They align with the text of the statute and congressional intent.
Based on the text of Title V of the CARES Act and Congress' intent with respect to the $8 billion set aside for Tribal Governments, our Tribe asks Treasury and Interior to make clear that (1) covering a Tribe's fixed costs, including payroll costs for employees of Tribal enterprises and the Tribal government and (2) lost profits due to the closure of Tribal enterprises, which in turn are lost Tribal Government revenues, are considered increased expenditures for purpose of allocation and necessary expenditures for purposes of use of funds for Title V of the CARES Act.

And we also support the NCAI's comment regarding payments, including payroll and related expenses for employees while government or entities are at a diminished capacity are closed, expenditures that otherwise would have been funded but for the loss of revenue, expenditures associated with the diminished capacity or closure of government or entities, and differences in revenues transferred to Tribal Government accounts in 2020 relative to the same period in 2019.
That's just part of our comments that we're submitting, but then also today, just -- and these aren't comments to help you to -- to give you guidance on decisions, but they're comments for you to think about as you try to distribute this money.

So our Tribe has 3,400 Tribal members. I heard Chief Hoskin last week from the Cherokee Nation talk about their casinos and they're -- I think their payroll was like $30 million a month and they have around 380,000 Tribal members. So even though they're much larger, the impact on our community is large too. We employ -- we're one of the bigger employers here in Caddo County, and so it's a big impact on our county. In Caddo County we have our Delaware Tribe, the Caddo Tribe, the Wichita Tribe, the Apache Tribe, the Kiowa Tribe. We all have casinos here in this county and so all those casinos have closed and, as far as I know, us and the Delawares are still paying our employees. I don't know about the other Tribes. But that's a big financial impact on Caddo County.
if we had not continued to pay those salaries.

When you talk about trying to -- how you're going to disburse the money, there's through the BIA, through the 638 contract or Title V compacts, I know some other people were talking about doing it other ways, like directly through the Treasury and stuff. But you've got to realize, like right now Oklahoma is predicted to be in a hot spot within the next few weeks, so when this money comes down some of your Tribal Governments may not be able to get together. I see where President Nez from the Navajo Nation is quarantined right now. And so, you know, having government get together and get the resolutions, get those to banks, and get things set up, they may not have the ability to do that whenever these funds come down. And so using a mechanism that's already in place would be the best way to do that.

And they talked about using land base options. For Oklahoma you have the Wichita, Caddos, and Delawares, we have to share a land base. The Comanches, Kiowas, and Apaches share a
land base. And so to do it by land base wouldn't be fair for the ones here in Oklahoma.

Also, like I said, I told you all of our businesses and stuff. So our Tribe has about 3,400 Tribal members and then we have a Tribe that's up the road that ahs more Tribal members than us, but they don't have a casino, they don't have a hotel, they don't have tax. We also have sales tax, liquor tax, entertainment tax, gaming device tax. We're not collecting those taxes now because our casino is shut down. And so, you know, to compare the size of Tribes to another, you know, some aren't as advanced as the others. So I don't know how you would deal with that.

And with that, you also have our Tribe has a whole lot of contracts and grants. And so when we have a lot of contracts and grants, we have more administrative costs and you don't always collect all the indirect costs of those, because some of those are capped at 15 percent. But our administrative capacity is bigger than some of the other Tribes. And so we have to put
more money into that to keep that going for the people like our Tribal administrator, HR, maintenance, and different things like that. And so you've got to take those things into account too because we have to supplement more money into those.

Saying that from that side, the other Tribe that's up the road, even though they don't have all of that stuff, they have more members, well their members need just as -- I mean their members need things just as much as our members do. And so I want to advocate both sides. But just to let you know that those are things that you need to take into consideration.

MR. CRUZ: Thank you, President.

MS. PARTON: One more thing. And then future costs. You know, we're going to get this on April 24, or somewhere in there, and so we're going to get this money and it's going to help take care of things we've already spent, but we also need to think about we're going to have elders at home that aren't going to be able to get
out still because this thing is going to linger for a while. So there's things like elder care. Public health -- you know, if this thing comes back around -- if it dies down a little bit, comes back around, we have to be able to be prepared to deal with that. So being able to use that funding for emergency management and public health, we'll need to take care of that too.

Anyway, those are just things I wanted to --

MR. CRUZ: Yeah, thank you, President Parton. Thank you very much. Appreciate the comments.

MS. PARTON: Okay.

MR. CRUZ: Operator?

OPERATOR: Thank you. Tom Robinson, your line is open and please state the Tribe you represent.

MR. ROBINSON: Hi, this is Tom Robinson. I am the Qawalangin Tribal President of Unalaska Dutch Harbor. Thank you for taking my call.
appreciate you holding this conference and prayers
go to First Nations in Indian Country throughout
this Nation. We pray for an expeditious result
for this allocation of funding. If you heard --

    MR. CRUZ: Mr. Robison, since you went
last week, sir, I'm going to ask that you dispense
and we go to the next Tribal Leader since we heard
from you last week.

    MR. ROBINSON: Yeah, there is an
important topic that I have to bring up, and it
has to do with the dynamic of funding in Alaska if
you're represented by a consortium.

    Our Council took the initiative to fund
a rapid testing machine for our Island where the
consortiums did not. So I just want to magnify
that, sir.

    And also I do have -- we did rescind
from our consortium over the weekend and it is
because we're under represented at a regional
basis. And we are fighting for just basic
infrastructure, a medical facility run by a
provider, not a health aide.
So I just want to put that out there.

Thank you.

MR. CRUZ: Thank you, sir. We have the preeminent Alaska expert as the Assistant Secretary for Indian Affairs, so that is an issue we are looking at closely.

Operator, next caller.

OPERATOR: Thank you. Chairman Rodney Cawston your line and please state the Tribe you represent.

MR. CRUZ: Chairman?

MR. CAWSTON: Hello. This is Rodney Cawston. I'm the Chairman for the Colville Confederated Tribes. And I just want to thank you for this opportunity.

MR. CRUZ: Absolutely.

MR. CAWSTON: I'm the Chairman of 12 Confederated Tribes on the Colville Indian Reservation. The Colville Federated Tribes is one of the largest Tribes in the Pacific Northwest. Our reservation land base is 1.4 million acres and we have an enrollment of approximately 10,000
Tribal members. The original homelands of our 12 Tribes extend from central Oregon State far up into British Columbia in Canada. The Colville Federated Tribes is the largest employer in both Okonagen and Ferry Counties in Washington State, which are also two of the most economically depressed counties in this state with some of the highest unemployment rates.

The Colville Confederated Tribes ask that the distribution of the $8 billion appropriated through the CARES Act uses a distribution methodology similar to Public Law 93-638 through contracts and self-governance compacts.

These funds should allow the maximum flexibility to Tribes in its expenditures. Each Tribe is unique and the needs of each Tribe addressing the Coronavirus are unique. The Tribes are familiar with the Public Law 93-638 process, including adhering to the Single Audit Act. These funds need to be included in the Tribe's single audit and any findings or questioned costs could
be resolved by the Bureau of Indian Affairs. The BIA already has this relationship with Tribal Governments.

If contract support costs are to be considered, this distribution should be considered in the next stimulus legislation and not in the present CARES Act funding package. This would allow the maximum distribution of funding of the CARES Act to be made to Tribes immediately.

We would not recommend a distribution plan that requires data calls based on revenue, number of employees, or number of employees laid off. Such data calls can take a considerable amount of time and could be challenged. This would further delay the United States from quickly distributing these funds and the immediate need is great. The Coronavirus is beginning to spread to Tribal Reservations and funding is needed to slow down or prevent the progress of this disease as much as possible and as soon as possible.

If the loss of gaming revenue is to be considered, it also needs to be noted that the
highest realized revenue is primarily with a small number of Tribes and in a few states. Many Tribes do not have gaming operations or have moderate operations. Many Tribes do not pay out large distributions to individual Tribal members. Also, large gaming Tribes are typically within or next to major metropolitan areas where other resources exist to these Tribes.

Finally, Tribes who receive significant gaming revenues will most likely rebound much more quickly from this economic crisis than Tribes that don't have large gaming revenues.

We will also submit written comments as well. And I just wanted to make it short, sweet, and succinct. And thank you for allowing me to make this comment.

MR. CRUZ: Thank you, Chairman. Really appreciate it and I look forward to getting back out to the Omak Stampede soon. (Laughter)

Operator, next call.

MR. CAWSTON: All right. We'll send you over the hill. We'll have a horse ready.
MR. CRUZ: All right, Operator.

OPERATOR: Gary Batton, your line is open. Please state the Tribe you represent.

MR. BATTON: Gary Batton with the Choctaw Nation of Oklahoma; I'm the Chief. And just want to say (speaking native language) or thank you for your time today.

We wanted to make sure you understood we think the methodology should be based according to employees or Tribal citizenship to have the greatest economic impact. We are the number one employer here in Southeastern Oklahoma. We have approximately 10,000 employees at a cost of $600,000 per day, and we cover 10 1/2 counties about the size of the State of Vermont, and we have about a $2.2 billion economic impact.

The other thing we would like to recommend is that you do the ASAP or direct deposit to expedite funding out to the Tribes.

The other question I have, and I know that -- was when will a decision be made in regards to this funding methodology?
MR. CRUZ: We'll continue to work as expeditiously as possible, sir.

Dan, do you have anything to add?

MR. KOWALSKI: No. I mean it needs to be done next week, right?

MR. CRUZ: Yeah. So we won't be -- there won't be any surprises. Appreciate it, Chief Batton. Appreciate your leadership and all you do.

MR. BATTON: Okay.

MR. CRUZ: Operator, next caller.

OPERATOR: Thank you. Cathy Chavers, your line is open and please state the Tribe you represent.

MS. CHAVERS: (Speaking native language) This is Cathy Chavers, Boise Forte Band of Chippewa, but also President of the Minnesota Chippewa Tribe.

I want to say thank you to my sister, Melanie Benjamin from Mille Lacs Minnesota here regarding the Minnesota Chippewa Tribe.

And I'm glad to you received the letter
with regards to our concerns over the six bands being represented at individual bands.

I also want to say our thoughts and prayers are with you all, the Tribes and your people, and appreciate our Federal partners in talking with us today regarding this important decision.

One thing that -- we will be sending our letter with our written comments, so I'll make it short because I know we're running out of time. If there is a direct payment from the Treasury to the Tribes and also through BIA, we're wondering about the clearance with the portals. Sometimes it can be difficult with that. We're also looking for flexibility in reporting and in the use of the funds because we are unique as Tribes and it is difficult to try to fit into a specific criteria when it doesn't really pertain to us.

We also want to say that we will look at a base and possible -- I liked what Michigan was saying with the $1 million base, $1.5 billion, and then going on with that. We'll put that in our
letter thought.

So I'll make it short and sweet. And we just want to say to everybody to please stay safe and we are sending our prayers to all of you.

(Speaking native language)

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

OPERATOR: Thank you. Chief William Nicholas your line is open. Please state the Tribe you represent.

MR. NICHOLAS: Yes, this is Chief William Nicholas, Passamaquoddy Tribe, Indian Township Reservation in Maine.

I've been on a while, so thank you, Assistant Secretary Sweeney and Treasury Secretary.

I wish there was an easy way for equality to be decided for all Tribes across the Nation. I would like to express the deep concerns for smaller Tribes and the extreme need for Native people in rural and remote areas. Most have limited resources with little or no economic
development and are in states where Tribes are still treated like wards of the state. For that reason, we ask that funding related to Tribes be direct to the Tribes and not pass through states to meet our needs.

Health disparities are high among many Tribes. Life expectancy of the Passamaquoddy people here in Maine is 58 years old with a mean household income of $16,250 in Washington County. Thirty-three percent of our people are living in poverty. Direct funding needs to be prioritized for Tribal Governments in order to support the administrative costs that are not budgeted for Covid-19 in a yearly fiscal manner. No one could have expected that we would be budgeting across this Nation for what the impacts are and will be. Sewer, water, infrastructure costs are being pushed to their limits. Without steady business income, Tribal Governments cannot provide resources to our people as we normally would.

The need is higher. The need to cap on disbursements to Tribes across the nation is
necessary. We do not support a formula and have
the same needs as every Tribe across the Nation.
It needs to be equitable for all fighting this
pandemic. There is no way to determine who will
get hit with this virus before or worse than other
Tribes. One death in a Tribal community is a loss
of culture, history, language, traditions, and
teaching. How much is enough?

The Passamaquoddy Tribe in Maine, we're
a national resource based Tribe and we'll survive
this pandemic, just like we have many other
diseases that have affected our people. Currently
there are nonprofits that have received funding
due to Covid-19 before Tribes across the Nation
have seen a penny to support our communities. Our
people, our utmost, our number one priority to
protect our elders and our youth. Law
enforcement, health, EMS, frontline personnel are
fighting the virus daily, but yet we do not
provide the protection they need or compensation
because we are waiting for something to happen.

All Tribes are different due to
locations and economic development statuses are different for everybody. But at the end of the day, we fight the same battles across the Nation in representation of our people. Covid-19 will kill native people regardless of their political or social status. I hope funding reaches the Tribes before it continues to place Tribes against Tribes further and we can place our focus on continued support for our communities, employees, elders, and youth. We all have a need. The needs have been the same. They've been the same right up until Covid-19 hit when there was an emergency.

So out of all due respect I ask Secretary Sweeney, that DOI needs to recognize the yearly shortfalls of funding at BIA levels and IHS levels. BIA is about 50 percent below the needs and IHS is about 40 percent below needed funding levels on a yearly basis. A look at these not just during an emergency is needed.

For all the Tribes out there, we pray that the losses aren't huge and that you're able to provide for your elders, your youth, your
community, your employees, regardless of your economic status, your social status, political status. And when one native person dies across this Nation or any Leaders, any elders or youth, it affects us all. We're small. May seem large right now, but we're small nationally. You live through a lot of things, small pox, other diseases, pandemic in 1918, we'll live through this. It's all about how we react and what we pass on next to our communities and our future leaders.

MR. CRUZ: Thank you, Chief Nicholas.

Thank you.

MR. NICHOLAS: I hope that there's some equality in how the decisions get made. These are tough decisions. But we all have needs and all the smaller Tribes are no different than the bigger Tribes. The needs may even be higher, depending on economic status.

Thank you.

MR. CRUZ: Thank you, Chief. Operator, at this time can you please mute all line?
And, Dan, we'll defer to you to provide any closing statement you may have.

MR. KOWALSKI: No, again, I thank everybody for their time and their comments. And, you know, hearing these views is important. We do have big decisions to be made and we do want it to be fair and make sure that needs are met. And we will continue to work with BIA and Treasury to be able to determine what seems the best we can do given all the various input we have had.

So thank you.

MS. SWEENEY: Thank you, Dan. This is Assistant Secretary Sweeney.

I want to convey my appreciation to all those who participated on the call today. For those who were unable to provide verbal comments through this Consultation, I strongly encourage you to continue to participate in this process by submitting your comments to Consultation@BIA.gov or Tribal.Consult@Treasury.gov. We are looking at the comments as they come in and within Indian Affairs those comments are shared among our
leadership team at Indian Affairs and within the Department. Also we are sharing the comments that come in through our dedicated email box with Treasury as well.

And I know that there are a lot of people who are working to provide comments, to come up with solutions, and to be a part of this process. And I really do appreciate the effort, the comments that folks are submitting, the sentiments, and I want you to know that we are dedicated and committed to carrying this out with Treasury and to provide them with the voice of Indian Country throughout this process and the perspective of Alaskan Native communities.

So, with that, I wish you all I would say safety and good health. Be well.

Thank you.

(Whereupon, at 4:01 p.m., the PROCEEDINGS were adjourned.)

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I, Steven K. Garland, 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.

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