

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CARES ACT TITLE VI
CORONAVIRUS RELIEF FUND
TRIBAL CONSULTATION

Washington, D.C.

Thursday, April 2, 2020

1 PARTICIPANTS:

2 Opening:

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

7 Welcome:

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

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

14 Consultation Presentation:

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

18 * * * * *

19
20
21
22

1 P R O C E E D I N G S

2 (1:01 p.m.)

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

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

11 You may begin.

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

15 Before we begin I want to start with a
16 couple of general housekeeping items. For media
17 purposes, this call is off the record and not
18 intended for the press or media use, and we
19 respectfully ask that if you are a member of the
20 press or media that you reach out to the Interior
21 or Treasury Offices of Public Affairs and
22 disconnect from the call now.

1 We also understand that many tribes,
2 like the Federal Government, are on telework
3 status, meaning more telephone lines are being
4 used that normal. Due to telework, work from home
5 orders, and an increased demand for teleconference
6 lines, we are capped the number of available lines
7 for use today. Therefore, if you are not in an
8 elected Tribal leader, we also respectfully ask
9 that you disconnect now so Tribal Leaders across
10 the country do not have issues connecting to
11 today's Tribal Consultation.

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

21 To formally begin, my name is Mark Cruz
22 and I have the privilege as serving as the Deputy

1 Assistant Secretary for Policy and Economic
2 Development for Indian Affairs here at the U.S.
3 Department of Interior. I'm also an enrolled
4 member of the Klamath Tribe.

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

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

1 onto the next Tribal Leader.

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

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

16 Before I turn it over, I'd like to thank
17 our partners at the U.S. Department of Treasury.
18 And for everyone's awareness, here at the
19 Department of Interior, our team consists of John
20 Tashuda, Greg Renkes, Jason Freihage, and
21 Stephanie Condis (phonetic), and at Treasury we'll
22 have Dan Kowalski, Nancy Montoya, Angela Gartland,

1 and Kelly Meier (phonetic), amongst others. And
2 so now it's my honor to introduce Assistant
3 Secretary for Indian Affairs, Tara Sweeney and Dan
4 Kowalski, Counselor to the Secretary, Treasury,
5 for their welcome and presentation.

6 Madam Secretary?

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

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

21 They are standing with you and making
22 tough decisions. We have worked with tribal

1 Leaders to close schools, provide assistance with
2 emergency declarations, supported the Tribal
3 sovereignty of some Tribes to close their
4 reservations, pueblos, or villages, and we
5 continue to plan ways to improve service
6 deliveries. And we are extremely humbled with the
7 partnership and the engagement Indian Affairs has
8 received from Tribes across the country.

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

18 Tribes improved coordination and merging
19 regional coordination calls, to which we adjusted
20 to being more responsive. And although Indian
21 Affairs is not the lead agency for response, we
22 are part of the front lines for assisting Tribal

1 Governments. My regional directors are available
2 to Tribal Governments to provide that technical
3 assistance, to elevate your concerns, and provide
4 direction within the Federal family. And I am
5 very thankful for the partnership we have with our
6 Federal partners.

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

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

22 At this stage, it is worth noting for

1 Treasury and for all of us as a reminder, this \$8
2 billion is the biggest, largest infusion of funds
3 in the Indian countries in the history of our
4 country. This amount is more than the Cobell
5 settlement, the land buyback program, and the
6 Ramah Navajo settlement combined. So this is our
7 opportunity to get it right.

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

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

22 I want to reiterate that written

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

20 You can also find updated information on
21 the BIA.gov website. The Coronavirus page also
22 has a link to the CARES Act page, and on that page

1 we will also include information and updates that
2 we need to provide regarding the CARES Act.

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

11 Thank you. And at this time I will turn
12 it over to Mr. Kowalksi with the Department of the
13 Treasury.

14 MR. KOWALKSI: Thank you, Tara. Thank
15 you for that introduction.

16 I am honored to be a part of this
17 Consultation. There are three topics I'd like to
18 cover in my introduction. First, I'll introduce
19 myself so that you know a little more about my
20 story. Second, I'll give you a brief overview of
21 the Coronavirus Relief Fund. And, third, I'll
22 speak briefly about what Treasury expects to bring

1 from these Consultations.

2 So, who am I? Hi, I'm Daniel Kowalksi,
3 I go by Dan. I was born in Detroit, Michigan and
4 grew up in a community that was very proud of its
5 Polish heritage. Over the course of 30+ years I
6 am now privileged to serve as the Counselor to the
7 Secretary of the Treasury. I've been with the
8 Secretary since March of 2017. He and I worked
9 together on the Trump campaign, on the economic
10 program, and I joined him to bring that across the
11 finish line. I like to tell the story that I was
12 actually his first hire after he was actually
13 confirmed as Treasury Secretary. Could have come
14 a little bit earlier, but I wanted to wait until
15 he was confirmed.

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

1 Director of the Senate Budget Committee.

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

15 What is the Coronavirus Relief Fund?

16 It's a \$150 billion one-time grant program set up
17 in the CARES Act. \$150 billion in total, \$8
18 billion earmarked for Tribes, \$3 billion earmarked
19 for territories in the District of Columbia. The
20 funds must be used for Covid-19 expenditures above
21 baseline for the period March 1, 2020 through
22 12/31/2020. We anticipate that the funds will be

1 distributed on or about April 24, 2020, Friday the
2 24th. And so that's what we are working for
3 there. There are special rules that apply to the
4 Tribal distribution. And, you know, we will work
5 to figure out what that means together.

6 What does Treasury want from this
7 Consultation? Really, ultimately, we want a fair
8 and transparent method for allocating these funds.
9 We also need to arrive at it quickly because April
10 24 is not that far away and the statute told us to
11 get those funds to the communities within 30 days
12 of enactment. Treasury is responsible for
13 determining the allocation of the funds. We take
14 seriously the directive to ensure that all amounts
15 available are distributed to the Tribe and Alaskan
16 Native villages that are eligible for the funding.
17 But we also take seriously Congress' instructions
18 On how funds are to be used. If there are
19 clarifications about how funds might be used, some
20 of those will need to be addressed by Congress and
21 will be beyond the scope of what we can do here.
22 We do need to keep within the four corners of the

1 statute.

2 That being said, Treasury is open to
3 considering an expansive reading of the statute,
4 but we can't make it up out of whole cloth, we
5 really have to live within the law as it was
6 handed to us. I am looking forward to listening
7 carefully and attentively to the ideas that Tribal
8 Leaders express over this call and the next call
9 and through written comments on how best we can
10 work within the statute and ensure that we are
11 able to distribute the full amount of the \$8
12 billion that is available and that it can be used
13 to help your communities deal with the public
14 health emergency of Covid-19.

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

17 MR. CRUZ: Thank you, Dan. I think
18 that's a good summary between the two on what
19 today's Consultation will focus on. And so given
20 the expedited nature of this Consultation, we
21 don't have a PowerPoint presentation at this time,
22 so let's go ahead and move on into questions from

1 Tribal Leaders. So, Operator, if you can give
2 that instruction, we will stand on the ready for
3 the first question.

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

+

10 Operator?

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

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

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

22 One moment please for incoming

1 questions. The first question comes from Darrell
2 G. Seki, Sr., Chairman. Your line is open.

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

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

9 MR. CRUZ: There you go.

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

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

14 The thing I want to talk about is we
15 serve -- Red Lake serves a resident population of
16 15,000 members, land base of 850,000 acres in
17 Northern Minnesota. We operate a commercial
18 fishery, other enterprises, including traditional
19 food business. We also have three small casinos
20 and revenues are very critical to support our
21 Tribal and community service programs. Many of
22 these the Federal Government does not provide any

1 financial support. We are supporting a funding
2 methodology that provides direct funding to Tribal
3 Governments and provides the funding to provide
4 relief from the costs we are incurring and expect
5 to incur as a result of the closure of daily
6 operations, the shuttering of the travel program
7 and enterprises, and our need to obtain increases
8 resources to protect our community from this
9 pandemic.

10 Because of this we need clarity on what
11 parameters Treasury and DOI considers eligible for
12 the relief funds. We hope Treasury and DOI
13 consider a methodology that takes into account
14 population, possibly as a layer above some base
15 level of funding for each Tribe. We also support
16 direct funding from the Department of Interior
17 through our existing BIA self- governance compacts
18 and 638 contracts. In addition, the funds are
19 meant to support Tribal Governments and there
20 should be no funding held back by the Department
21 of Interior as administrative costs for their use.
22 And considering how funds are distributed, there

1 should be a minimum amount that every Tribe
2 receives, and there should also be a maximum
3 amount that any one Tribe can receive, so as to
4 achieve the most equitable distribution of funds.

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

7 MR. CRUZ: Thank you, Chairman Seki.
8 Great to hear from you. Dan, would you like to
9 offer any comment?

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

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

22 Operator, we're ready for the next

1 question.

2 OPERATOR: Thank you. Our next question
3 comes from Chairwoman Cheryl Andrews-Maltais.
4 Your line is open.

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

9 For our comments and questions, we
10 believe that the Treasury should be funding the
11 Tribes directly using the same type of
12 disbursement method that is going to be utilized
13 for state and local governments. We think that
14 Tribes in Alaska villages should have the option
15 of getting the money from the BIA if they choose,
16 but the interagency transfer will be permissible
17 and fast. Money should not flow to the Tribes
18 from the state, it must come directly from the
19 Federal Government. BIA should not be able to
20 provide additional contracts to foot costs out of
21 the stabilization fund because it will impact the
22 amount of funding that goes to each of the Tribes.

1 There should be an allocation to all Tribes and
2 Alaskan Villages regardless of size. They should
3 be uniform and equal, creating parity, so that
4 it's fair and transparent for all Tribes. There
5 should be a minimum base allocation, but not less
6 than at least \$1.5 million or more from all
7 requested Tribes and Alaskan Villages, the same as
8 the allocation for the state and local governments
9 underneath their stabilization funds. And if
10 there are residual or excess funds that are not
11 used in relationship to that, can certainly be
12 redistributed as the need arises from other
13 demonstrated needs from Tribes.

14 The funding should be allowed to include
15 staffing, including pay necessary for copayments
16 for health insurance and other benefits, for
17 housing, to allow for social distance and
18 quarantine, travel expenses for Tribes in Alaskan
19 Village, particularly in rural areas to hospitals
20 for Covid-19 care and related lodging expenses if
21 lodging for quarantine -- being quarantined away
22 from home. Other necessary infrastructure should

1 also be included, such as wastewater and
2 sanitation system expansions because there is
3 going to be an overload on both infrastructure at
4 this point, as well as food, which may need to be
5 flown into areas, such as in Alaskan Villages, or
6 remote areas within Indian country, and
7 technologies for keeping the connectivity for our
8 communities, such as cell phones, hot spots,
9 laptops, tablets, and also for students as well as
10 our elders and our Tribal members because of their
11 being quarantined or the lack of ability to be in
12 school itself.

13 And we believe that lost revenue does
14 not mean lost profits and the funds should go
15 uniformly to the Tribes to meet their additional
16 and necessary government services and Tribal
17 member needs. And Tribes, like states and local
18 governments, should be allowed to self-certify the
19 funds that are used for the virus response, and
20 there should be no greater audit or complicated
21 requirements or burdens for Tribes that are
22 required by the state and local governments.

1 And with regard to the question with
2 Tribal eligibility for leave credit, before
3 issuing any determination we're requesting that
4 the Department of Labor do consultation with the
5 Tribes to make sure that we're able to think this
6 out appropriately.

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

11 Thank you.

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

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

20 MR. CRUZ: Okay, right.

21 MS. ANDREWS-MALTAIS: Because we want to
22 make sure that, you know, the Tribes are getting

1 leave credits. And also some clarity with regard
2 to ensuring that unexpected payroll, as well as
3 the insurance copayments for employees, are able
4 to be morphed into the expenses for the Covid
5 related expenses.

6 Thank you.

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

9 MS. SWEENEY: No.

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

17 MS. ANDREWS-MALTAIS: Excellent. And as
18 long as the Tribes are able to self-certify as the
19 other governments are, it does make our lives
20 easier because, again, we know as long as it's
21 related directly and indirectly to the impacts of
22 the virus, we're certainly able and capable of

1 being able to identify that. But they should not
2 be creating an additional burden for Tribes, which
3 typically we wind up (inaudible). And certainly
4 we shouldn't be going through a state or local
5 municipality.

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

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

20 MS. ANDREWS-MALTAIS: Absolutely. Thank
21 you.

22 MR. KOWALKSI: You're welcome.

1 MR. CRUZ: Thank you, Chairwoman.

2 Operator, next question.

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

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

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

19 We ask that the Treasury Department
20 interpret independent expenditures broadly for
21 Tribes. And as sovereign, the Pacific Northwest
22 Tribes should determine what allowable

1 expenditures are, just as the states are being
2 allowed to do. We support using an existing
3 funding distribution model, such as
4 self-governance, the 638 funding agreement for
5 rapid disbursement of funding to the Tribes. We
6 also have some concerns around our furloughed
7 workers and request that the Department of
8 Interior consult with the Department of Labor to
9 assess the impacts of the pandemic on those
10 workers to develop policies that will sustain our
11 Tribal economy.

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

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

21 That's all the comments I have for now
22 and appreciate the opportunity.

1 MR. CRUZ: Thank you, Chairman. Any
2 comments, Treasury?

3 MR. KOWALKSI: No. Thank you for your
4 comments.

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

9 OPERATOR: Absolutely. If you'd like to
10 ask a question from the phone lines, please press
11 *1, ensure your phone is unmuted, and record your
12 name when prompted.

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

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

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

21 I just would like to make a comment that
22 Shakopee endorses the approaches supported by NCAI

1 in its March 29 letter to Secretary Mnuchin.
2 Shakopee needs the \$8 billion to be paid out
3 quickly, based on costs we must be paying to
4 protect our members and employees when we don't
5 have our revenue from our enterprise coming in
6 because they are all shut down. Our need is
7 enormous and immediate. And we're paying over
8 \$2.6 million a week for the payroll costs of 3,200
9 employees that we furloughed and we have millions
10 more in costs we are paying each week for our
11 remaining 1,000 employees safeguarding our
12 facilities and operations and operating our
13 service programs, all without revenue coming in.

14 We'd like to support also an immediate
15 payment next week of the floor amount of say
16 \$500,000 for each Tribe regardless of size of
17 their operation, followed by a second round of
18 payments a week later to those Tribes who have
19 submitted requests demonstrating a need for money
20 to help meet expectations, including those
21 previously funded by Tribal revenues.

22 And, in parting, you know, some of the

1 comments that I hear that the Treasury needs to
2 ensure that the Tribal Governments have a proper
3 accounting of their funds spent, I'm in agreement
4 with, but the Tribes must have the maximum
5 flexibility to use the \$8 billion and relief
6 emergency funding.

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

8 MR. CRUZ: Thank you, Chairman.

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

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

22 MR. ANDERSON: I would imagine nothing

1 like we're not used to.

2 MR. KOWALSKI: Right.

3 MR. CRUZ: Right, thank you.

4 MR. ANDERSON: Sorry for my criticism.
5 This is frustrating for everybody.

6 MR. CRUZ: Okay. Thank you, Chairman.
7 Good to hear from you.

8 MR. ANDERSON: Thank you very much.

9 MR. CRUZ: Operator, next question.

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

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

20 As the prior speakers said, we support
21 the ATNI and the NCAI positions so far stated. We
22 also would like to make sure that going into phase

1 four that this discussion today can help format a
2 better Consultation and advocacy for the Tribes
3 going forward, because I think if we were to have
4 this discussion in advance -- I know this is
5 hitting us all the sudden, it's just in our face
6 and everybody is dealing with it. We've shut down
7 our enterprise as well and we're supporting the
8 healthcare benefits for about 1,000 people right
9 now that are mostly not Tribal members. And so
10 they're from the general community. So we do much
11 more in the general community and I'm hoping
12 that's recognized in the upcoming discussion going
13 into phase four, because we want to make sure we
14 continue our services, continue the value to the
15 community.

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

18 MR. CRUZ: Thank you, sir. Operator,
19 next question.

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

22 MR. MACARRO: (Speaking native language)

1 This is Marc Macarro, the Tribal Chairman for the
2 Pechanga Band of Luiseño Indians near Temecula,
3 California.

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

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

21 So my first point on the Consultation is
22 that when we request any methodology we must focus

1 on the stabilization needs of each Tribe to assist
2 in quickly returning our reservation economies to
3 self sufficiency. Over the past 20 or 30 years
4 our people have built our regulation economy
5 system, which sustained our Tribes, our Tribal
6 programs, and it enables us to contribute
7 significantly to the economies of our surrounding
8 community. It still feels unbelievable that in
9 three short weeks we've taken the necessary and
10 drastic steps of closing multiple Tribal
11 facilities that employ over 6,000 people
12 (inaudible) and have reduced our reservation
13 workforce by 90 percent.

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

19 So in order to achieve the stated
20 Congressional intent of this funding, we believe
21 that this stabilization funding should be
22 allocated to Tribes to cover their Tribal

1 government deficits that are associated with this
2 Covid-19 circumstance, maintaining essential staff
3 and preserving the dormant businesses entities
4 until it is safe to resume operations. So any
5 methodology that does not focus on the
6 stabilization needs of each Tribe and enable our
7 communities to achieve these basic goals will set
8 reservation economies back decades and
9 significantly delay our return to self
10 sufficiency.

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

14 Thank you.

15 MR. CRUZ: Thank you, Chairman.
16 Treasury, anything?

17 MR. KOWALSKI: Yes, I'll ask a further
18 question. How does one determine what is the
19 appropriate amount for each Tribe under the
20 formulation that you put out there? It seems less
21 formulaic, and how does one operationalize that in
22 a matter of a few weeks?

1 MR. MACARRO: I suppose that's the
2 juggernaut of this whole process. So --

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

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

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

18 MR. KOWALSKI: I understand that.

19 MR. MACARRO: Yeah. The formula seems
20 to say that, you know, there's no discussion
21 (inaudible). When they track -- this is entirely
22 a discretionary decision making process that

1 somebody is going to have to make. And I think
2 that the sooner the Treasury comes to terms with
3 that, I think that they can get through it and get
4 the work done.

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

11 Thank you.

12 MR. KOWALSKI: Okay. I appreciate that.
13 Thank you.

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

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

22 OPERATOR: Thank you. Our next question

1 comes from -- it is Earl Frasier (phonetic). Your
2 line is open.

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

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

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

12 MR. LITTLECOOK: Good morning.

13 MR. CRUZ: Good morning.

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

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

1 the past 15-

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

7 So some of the needs that we would like
8 to be able to address, those are like our
9 nutrition assistance for all of our Tribal
10 members, especially our youth and elders. And
11 since we have laid most all of our non essential
12 employees that were sent home, we'd like to be
13 able to have funds to continue to pay those
14 employees, our educational needs for students to
15 continue their online education -- computers,
16 tablets, traditional computers, a computer lab,
17 broadband, and also funds for our cleaning for the
18 buildings that we have before our employees return
19 and our health center, our clinic. And that our
20 staff of our Tribal clinic have reduced employees
21 also and so -- I guess one the questions -- one of
22 ours would be is what are the qualified

1 expenditures? And would we be able to provide a
2 hazardous pay to our health department?

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

6 So, with that, I will conclude our
7 remarks.

8 MR. CRUZ: Thank you, Chairman
9 LittleCook.

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

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

1 like a phenomenon that's affecting everybody
2 universally.

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

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

12 MS. SWEENEY: Chairman, this is
13 Assistant Secretary Sweeney. I wanted to just
14 provide you with an update on the direct
15 appropriation. Outside of the \$8 billion there
16 was \$453 million appropriated in direct
17 appropriations to BIA for Indian program
18 operations to prevent -- prepare for and respond
19 to Covid-19. And it includes areas like deep
20 facilities, deep cleaning, welfare assistance, and
21 social services. And we're looking a minimum of
22 \$400 million of this amount will be allocated to

1 meet the direct needs of Tribes. Funds may be
2 made available through the Tribal Priority
3 Allocation for Tribal response and capacity
4 building.

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

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

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

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

22 MS. SWEENEY: Oh, my apologies. Outside

1 of the \$8 billion that were currently talking
2 about, \$453 million was received in direct
3 appropriations to the Bureau of Indian Affairs.

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

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

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

14 MR. LITTLECOOK: Thank you.

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

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

21 We're only accessible by plane year
22 round, and in the winter on our ice Haul Road. It

1 opened late this year due to weather and will be
2 open for a few more weeks, but due to the Covid-19
3 situation people aren't traveling as much, but it
4 is the only main way we get, you know, fuel and
5 supplies. We were supposed to be building our new
6 health clinic this summer, with (inaudible) on the
7 road, and I'm just not sure - I live outside - I
8 live in Pennsylvania right now, so I'm not sure
9 how much of the supplies have gotten up there.
10 Our telephone lines in the village have been down
11 for three weeks in early March and the only way we
12 were able to communicate through some of the
13 people that did have internet and also through
14 satellite phones.

15 So just, you know, bringing the
16 recognition that Alaska is on about a three day
17 lag on the supply chain already under normal
18 circumstances. You know, if I can't even go to
19 the store right now and get canned soup and toilet
20 paper, imagine my 95 year old grandma relying on
21 the telephone to order her supplies in early March
22 -- couldn't get those supplies ordered, how much

1 of a delay we are because of this situation and
2 because of where we're located.

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

9 Thank you.

10 MR. CRUZ: Thank you.

11 MS. SWEENEY: Thank you for your
12 comments. My suggestion is, as I have had
13 conversations with various Tribes in Alaska, I
14 highly recommend contacting the regional director,
15 Eugene Peltola, Jr., and working with him if there
16 are supply chain issues, supply types of issues.
17 The BIA regional director is available to provide
18 technical assistance and to work with Tribes on
19 elevating their issues with the lead agencies who
20 have authority over those types of functions.
21 Again, in Alaska it's Eugene Peltola, Jr. And
22 Evansville is more than welcome to all into the

1 twice weekly regional Tribal calls that are held
2 by BIA. Again, these calls are taking place
3 across the country with regional directors and the
4 Tribes within each specific region.

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

11 Thank you.

12 MS. DILBECK: Thank you.

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

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

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

21 It's been mentioned by other Tribes, and
22 I know all the listeners on here want you to know

1 that every one of these Tribes, including the
2 Cherokee Nation, has a tremendous economic impact
3 not only on our people but on our region. The
4 Cherokee Nation, it means 11,000 people working
5 directly for Cherokee Nation, supporting an
6 additional 20,000 jobs in the region. We are the
7 absolute economic driver of Northeast Oklahoma.
8 So when you're talking about economic stability
9 for Cherokee Nation, that ought to be reason
10 enough to do it. But it's also economic
11 stabilization for this entire region, Indian and
12 non Indian. So this is important for us and this
13 part of the country.

14 We again employ a great deal of people
15 and, as we've suspended our operations, which we
16 did early on, we paid everyone one of them. So
17 we've kept the economy moving to the extent it can
18 be moving in this region because of our actions,
19 at a great financial cost to the Cherokee Nation
20 and putting our program in jeopardy on the
21 government side because our businesses have been
22 effectively shuttered.

1 So we appreciate the opportunity to get
2 the share this Cherokee Nation is entitled. We
3 look at this not as a bailout but as a lifeline to
4 Tribes, governments, our businesses, and we want
5 people to understand that this effectively is our
6 entire revenue base put on suspension for an
7 indefinite period of time because of this
8 pandemic.

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

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

1 Tribes may incur.

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

21 The payroll and related expenses, again,
22 those employees are being paid. We think those

1 should be included in increased expenditures. The
2 cost of financing that is incurred due to these
3 increased expenditures and the differences in the
4 revenues transferred to the Cherokee Nation in
5 2020 compared to 2019. When we have Tribal
6 Government programs and services that are the
7 lifeline of individual citizens and communities,
8 Those need to continue. If they don't continue,
9 the economic recovery of the Cherokee Nation will
10 suffer and I promise you the economic recovery of
11 Northeast Oklahoma will suffer.

12 One other point to make is with respect
13 to the minimum allocation. We appreciate the
14 comments made earlier. We discourage any minimum
15 allocation, certainly not one that's not tied
16 directly to actual increased expenditures. Just
17 an arbitrary minimum we don't think is good policy
18 and we think it's inconsistent with the statute.

19 Again, we appreciate the opportunity to
20 have compensation on this matter. This will mean
21 the difference in the lives of our citizens, both
22 on the government side as we recover funding for

1 our programs, and those businesses that
2 absolutely, once they get started again, they need
3 to get started for the sake of the economy. But,
4 again, we've taken a huge hit at the Cherokee
5 Nation, \$30 million a month as a result of us
6 doing the right thing, taking the steps to protect
7 health and safety, and doing it at a staggering
8 cost.

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

11 MR. CRUZ: Thank you.

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

18 But others have asked for guidance, and
19 they asked for guidance because they want to know,
20 you know, on the back end what would be
21 acceptable. They want to have, effectively, like
22 a safe harbor, right. How would you -- or I'll

1 put it this way, if we gave you complete
2 discretion to determine what is a qualifying
3 expense would you fear the backend audit or do you
4 feel that you would be able to justify your
5 expenditures and that, you know, you're a leader
6 of your Tribe, you're a leader of your community,
7 you're a businessman, you know what these things
8 are.

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

11 MR. COSTIN: Well, we can absolutely
12 justify it and I think every Indian Nation on this
13 call, the sovereign nations that run governments
14 every day -- and frankly we run the best
15 governments in the country -- so we're perfectly
16 capable of doing that. I think any laundry list
17 is by its nature limiting. And so we don't want
18 it to be certainly an exclusive list. There are
19 going to be some things that are just common among
20 the Tribes and there are going to be some things
21 that are unique. But we don't want anything
22 that's a limiting factor and we would ask for the

1 respect that our governments deserve in terms of
2 identifying those expenses that we need met. And
3 believe me, we have a great deal of those and
4 every Tribe does.

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

7 MR. CRUZ: Assistant Secretary?

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

10 I want to also point out that we are
11 starting to see the trend of comments coming in
12 about losses to Tribal governments, businesses, or
13 Tribally-owned enterprises. And what I want to
14 just point out as a point of reference is the
15 other provision in the CARES Act are not exclusive
16 -- or do not exclude Tribal Governments or Alaskan
17 Native entities. And so I would point to looking
18 at Title II and provisions in Title II and in
19 Title III where American Indians or Alaskan
20 Natives, Indian Tribes are not excluded from
21 certain provisions that may in fact deal some of
22 the issues that you're raising with respect to

1 operating losses. And the \$8 billion set aside
2 specifically for Tribal Governments is another
3 access point for capital, but there are other
4 provisions inside the CARES Act.

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

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

22 At this time, Operator, we're ready for

1 the next question.

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

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

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

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

16 I am the Chairman of the Pascua Yaqui
17 Tribe in Arizona located in Tucson. And, again, a
18 lot of the stuff that was on my primary list has
19 been covered. But as a background, we have a
20 couple of casinos, we are the third largest
21 employer in Tucson for both Tribal and non Tribal
22 employees. When we had a conference with Senator

1 McSally last week, or the week before -- I can't
2 remember -- you know, she was talking about -- I
3 was talking about how (inaudible) allocated to
4 help drive a government's casino to function and
5 give our people hope, but that -- she also showed
6 us that the Tribal Relief Fund would be executed
7 in a more flexible manner, which works for us, and
8 to meet the financial challenges.

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

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

21 MR. KOWALSKI: Yeah, I'll speak to that.
22 We do not anticipate right now an application

1 process per se. The statute essentially says we
2 need to come up with a distribution formula and
3 then we will distribute the funds no later than 30
4 days. So this is why these Consultations are
5 important, just for us to determine what is a fair
6 and transparent distribution formula. And then
7 once the Tribe's are in receipt of the funds, you
8 have the responsibility to use them in accordance
9 with the purposes laid out in the Act. That is to
10 use them for increased expenditures due to Covid-
11 19. And then, you know, there is a back end audit
12 on that.

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

17 MR. VALENCIA: Yes, I'd like to comment
18 on the -- a previous speaker talked about a
19 comment -- two categories, the common and the
20 unique. And the reason I say that is because
21 right now we have our ceremonial season that's
22 really affected by -- there's -- one of the

1 ceremonies is on the reservation for the general
2 Arizona communities and they're really severely
3 being affected by this. And in our constitution,
4 for example, where we as a government support the
5 ceremonies and such, so a lot of the expenses and
6 stuff, we didn't even know that we would be doing,
7 but they're coming and they're coming fast. And,
8 you know, it's more in the unique category, so,
9 you know, I would like to really say that those
10 are the thing that, you know, you really need to
11 really see because, you know, common and so
12 everything has been discussed and said, so.

13 (Inaudible).

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

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

19 I'll clarify that a little bit. I
20 believe we have already established information
21 about where deposits need to be made through BIA,
22 but there may be some need to obtain banking

1 information from you, and if we have to do that
2 we'll work that out later, right.

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

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

22 MR. CRUZ: Yeah, at this time, Mr.

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

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

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

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

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

19 OPERATOR: The line is open.

20 MR. CRUZ: Yes, thank you.

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

1 Sharp. Thank you.

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

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

16 I would speak directly to the second
17 point of your consultation inquiry with regard to
18 appropriate expenditures. Specifically we urge
19 that Covid related increased expenditures be
20 interpreted to include, as Principal Chief Costin
21 pointed out, there shouldn't be any limitations,
22 it should be a finite list as occurred in recently

1 anticipated costs of a Tribal Government or their
2 Tribal entities between March 21, 2020 and
3 December 30, 2020.

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

16 It must also be emphasized that the
17 United States has failed to fully fund
18 governmental operations in every sector, whether
19 it's healthcare, law enforcement, education. And
20 to close this gap, Tribal Nations have had to
21 subsidize the Federal Trust responsibility through
22 taxation and commercial activities. And the

1 United States here and now has a second
2 opportunity to live up to its trust responsibility
3 to close the funding gap on these critical
4 services that they should have been funding in the
5 first instance. If there was ever a time for our
6 trustee to live up to its sacred financial
7 commitments, that time is now. And you must
8 consider our operating losses as a new expenditure
9 that we now have to pay a second time to subsidize
10 the Federal Trust responsibility. And the United
11 States must take this second chance to ensure that
12 those are fully funded.

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

20 Finally, we ask that you issue immediate
21 interim guidance that confirms that the general
22 categories of additional expenditures listed above

1 includes permissible uses of the fund. Such
2 guidance would assist Tribal governments and
3 Tribally-owned entities as they are making very
4 important and critical decisions in the coming
5 days to respond to this ongoing pandemic.

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

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

20 And, again, this is our attempt to
21 creatively, strategically, and aggressively
22 generate the rest of the necessary revenues we

1 must generate to take care of the health and
2 welfare of our citizens because our trustee is
3 simply failing to live up to its trust
4 responsibility -- not just now, but for decades.
5 And now you have a chance to make good on it and
6 we urge that you do it through the CARES Act.

7 (Speaking native language) Thank
8 you.

9 MR. CRUZ: Thank you, President Sharp.
10 Dan?

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

1 the Tribes, it's a uniform standard for everyone
2 who receives these funds.

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

22 MR. KOWALSKI: Thank you for that.

1 MR. CRUZ: Thank you, President Sharp.
2 I appreciate the comments.

3 Operator, we're ready for the next
4 question.

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

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

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

1 in 2019.

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

22 Honoring that, guidance should reflect

1 the silence on inclusion of interest charges on
2 the debt if so found. Tribes will need to have
3 clarity on this to make sound judgments. The
4 guidance should be uniform between all of
5 government.

6 Thank you.

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

15 Thank you.

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

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

21 MR. ALLEN: Thank you and good morning
22 -- good afternoon to everyone.

1 So thank you for this opportunity folks.
2 And I appreciate the hard work by the leadership
3 in Treasury and the Department of Interior with
4 regard to this matter.

5 So I'll try to keep our comments brief.
6 Our Tribe totally supports the recommendations of
7 ATNI, NCAI, and NAFOA, who have made good
8 recommendations with regard to how these resources
9 can be distributed. We agree that when it comes
10 the distribution base, that you need to look
11 seriously at a base number that would be
12 reasonable and fair for all Tribes, small and
13 large, so that the smaller Tribes who have smaller
14 bases get a reasonable amount of relief, as
15 intended by the Act.

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

21 We agree that with regard to
22 expenditures that we have -- that the rules to the

1 states should be the same for the Tribe and that
2 self-certification about the use of the money
3 should be in our area of responsibility. We see
4 the Indian Inspector General's role, we do not see
5 where Treasury is charged with establishing any
6 kind of a list. We understand the point of
7 guidance that some Tribes are going to be needing,
8 and we're well prepared with our national
9 organization to provide the kind of guidance and
10 the complexity of various uses that various Tribes
11 will use, because it will differ from Tribe to
12 Tribe. So flexibility is important and not
13 pigeonholing us and not taking into consideration
14 uniqueness that are from Tribe to Tribe.

15 We want to make sure that both
16 Departments collaborate with Labor with regard to
17 the UI FUTA, unemployment reimbursement to the
18 Tribes. The 50 percent to the Tribes is a penalty
19 for the Tribes. It assumes that we have money to
20 cover the 50 percent that we are responsible for
21 reimbursing the state. That is an error and it
22 needs to be corrected and there needs to be a

1 government to government consultation on how
2 that's going to be addressed. We understand that
3 these monies can be used for that, but it
4 diminishes the availability of money for the needs
5 of our organization.

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

19 So I will stop there. We are going to
20 send a letter to provide additional clarification,
21 but I want to note that as we believe that there
22 should be a base, Red Lakes' proposal and

1 suggestion that there may be a cap is an
2 intriguing idea that might be considered so that
3 there is a balance in terms of available resources
4 to serve the Tribes.

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

10 Thank you.

11 MR. CRUZ: Thank you, Chairman Allen.
12 Dan, any thoughts?

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

15 MR. CRUZ: Thank you for the comments.
16 Assistant Secretary?

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

22 Thank you.

1 MR. ALLEN: Thank you, Madam Secretary.
2 We will do that for sure and we are very closely
3 coordinating with our national Indian
4 organizations.

5 Thank you. (Speaking native language)

6 MR. CRUZ: Thank you, Chairman Allen.
7 Just for folks on the phone, we are now at 2:30
8 Eastern, meaning we're halfway through this Tribal
9 Consultation. I just want to point out we haven't
10 heard from folks in New Mexico, Montana,
11 Wisconsin, Michigan. A lot Tribes up there and
12 Tribal populations, so we'd appreciate thoughts
13 from Tribal Leaders in those states.

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

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

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

20 This is Myron Lizer, Vice President of
21 the Navajo Nation. And we do have our reservation
22 in New Mexico, Arizona, and Utah. As you know our

1 population is over 350,000 and we have 290,000
2 that reside on the Navajo Reservation here.

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

10 And from the Navajo Nation, I heard
11 earlier that, you know, you want -- how to
12 disburse the moneys that's coming to us, you know,
13 what is appropriate. With all due respect,
14 perhaps a real time update from our Navajo Nation.
15 Currently we have 214 confirmed cases, we have
16 more than 500 tests pending. So on the Navajo
17 Nation we're experiencing an epidemic and it is
18 growing rapidly. We're busting out of our seams
19 in all of our health facilities. We're losing
20 ground on keeping up with the personal protection
21 equipment. And I could go on and on. I don't
22 mean to, you know, complain, but I do need to

1 alert you that the Navajo Nation is very
2 frustrated right now hearing that we're only going
3 to be receiving \$750,000 from the CDC on the first
4 engagement of the stimulus funding that's coming.

5 So right now we do have a rising, an
6 escalating crisis in our midst. And we have
7 enacted an emergency declaration -- I think it was
8 the same day that President Trump issued a
9 declaration. Again, our public health emergencies
10 that are going on. We have a travel restriction
11 in place, we have a shelter in place. Those are
12 orders. We recently initiated a curfew banning
13 all residents to be out (inaudible) until 5:00
14 a.m. And in the coming days we're considering
15 closing our borders just to save our people.
16 President Jonathan Nez and myself, we've been
17 boots on the ground in our respective communities
18 advocating to our people at the highest level,
19 stay home, stay safe, save lives. And so we're
20 really, you know, busting all of our supplies. We
21 only have 53 ventilators in all of our health
22 facilities. And, again, with those numbers that I

1 stated earlier, we're looking at being short in
2 all these respects.

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

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

22 And so I just need to alert everybody of

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

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

22 And we would like to, along with our

1 Congressional partners, not just carve out some
2 funding for payments to Tribal Governments to use
3 for expenditures incurred to Covid-

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

19 Indian Country needs help fast. And so
20 as the Vice President of the Navajo Nation I
21 appreciate this opportunity. Again, I could go on
22 and on, but those are just some real time updates

1 -- 214 confirmed cases with over 500+ pending
2 tests. We're expecting the worst. We're doing
3 whatever we can, the President, Jonathan Nez, and
4 I in trying to flatten the curve. And we're again
5 boots on the ground. We're manning roadblocks,
6 telling our people to stay home, stay safe, save
7 lives. And we're just expecting, you know, that
8 maybe as the rest of America, that our peak won't
9 be until May -- mid-May, maybe even early June.
10 But we're fighting like the dickens to flatten
11 that curve and make our peak occur in April.

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

19 So thank you. I appreciate it. Thank
20 you.

21 (Speaking native language)

22 MR. CRUZ: Thank you, Vice President

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

11 So appreciate your leadership, sir.

12 MR. LIZER: Yes, sir. Thank you.

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

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

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

22 I just want to also that we are located

1 in Western Oregon. Our membership is about 5,600
2 people. We have about 13,000 acres of land. We
3 were terminated in 1954 by the Western Oregon
4 Termination Act and we restored with all of our
5 treaties in 1983.

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

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

1 quickly.

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

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

16 I agree that to the various mechanisms
17 for funding that have been deliberated in the
18 1990s for Tribal shares and how funds are
19 appropriated through the BIA and Indian Health
20 Service space, on most methodologies. We do not
21 need to reinvent a wheel and to try to come up
22 with new methodologies. Tribes at that time were

1 consulted and that's the funding mechanism that we
2 have today. So I support that.

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

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

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

13 I agree with most -- well, one thing I
14 want to say is that I don't believe that there
15 should be a list for priorities, as with states.
16 It's our discretion. Certified funds go to the
17 annual audit for review. And should there be
18 another opportunity, I highly encourage for the
19 Treasury and all departments -- I know you're
20 agencies and you don't lobby, but the need in
21 Indian Country is great, it's vast, and this is
22 just the tip of the iceberg.

1 So more funding is needed. I support,
2 as businesses, we are the largest employer for our
3 two counties that we reside in. Most Tribes in
4 Oregon are in that situation where the revenue
5 engine for the state. And so we have huge losses.
6 If it had not been for Covid-19, that we would be
7 able to support all of the many -- not only our
8 own Tribe, but organizations that depend on us for
9 funding.

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

14 Thank you.

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

19 And I'll go ahead and say happy early
20 birthday. I understand it's your birthday
21 tomorrow, so I want to say happy birthday to you,
22 Chairwoman.

1 MR. KOWALSKI: Happy birthday.

2 MS. KENNEDY: Thank you.

3 MR. KOWALKSI: Appreciate your comments;
4 very helpful.

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

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

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

15 Some of the issues I've got down have
16 already been covered. But it is very important
17 again to reiterate the Covid-19 pandemic and
18 economic impacts to all governments experiencing a
19 revenue shortfall in the face of increased demand
20 for government services. But, again, without a
21 tax base Tribes rely on businesses to generate
22 that revenue to fund essential government services

1 such as healthcare, education, public safety,
2 housing, social services. You know, scholarship
3 funding is also very critical. So I'm supportive
4 of those thoughtful next steps to get economic
5 relief on behalf of our Tribal enterprises.

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

18 So I believe the deployment of funds be
19 provided directly to the Pueblos with no strings
20 attached so we could support, again, based on the
21 need rather than based upon a formula. Because,
22 as I'm hearing, the allocations will be provided

1 based on the expenses and costs for Pueblo Tribes
2 and Nations based on that expense for Covid-19.

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

12 So, you know, I also have my staff
13 working across the CARES Act registration, as
14 Assistant Secretary Sweeney had mentioned. There
15 are so many other Federal agencies and their
16 existing authorities that, you know, for me I
17 don't want to duplicate services. There's I guess
18 topics, certain provisions with the Indian Health
19 Service, just preservations of other Federal
20 agencies. And so that's very critical that we
21 also look at those things to make sure that we tie
22 ourselves into all those --

1 SPEAKER: Hey, John, this is Kyle. I
2 couldn't call you from the work phone because I
3 can't merge the calls on the other one. So I'm
4 going to add a call. I'm going to add
5 (inaudible).

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

10 So thank you for taking my call.

11 MR. CRUZ: Thank you.

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

16 MR. CHAVARRIA: Yeah, because I was
17 hearing talking. I was like who's talking over
18 me. So I didn't appreciate that, but I wanted to
19 keep going. (Laughing) But I know this is a very
20 challenging time for all of us. Like I said, it's
21 not a free-for-all, there's intended purpose for
22 these Tribal provisions. But it's very important

1 that we look at the overall \$2 trillion that's
2 been identified for other agencies, because there
3 are other opportunities through Indian Health
4 Service, through FEMA, through CDC. And as
5 mentioned earlier, Assistant Secretary, with that
6 -- what is it -- \$453 million additional funding
7 for BIA operations for Indian programs, you know,
8 I do see \$69 additional funding for BIE education,
9 for so many other things that we've got to make
10 sure we review to tie in ourselves to that,
11 because there are other opportunities that are out
12 there.

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

20 And so like I say, we go back to the
21 needs because that's what's being asked, how do we
22 provide this money based on the need, based upon

1 that expense that's been related for the Covid-19
2 pandemic.

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

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

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

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

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

22 MS. PICKERING: Hello, my name is Myra

1 Pickering and I currently serve on our Tribal as
2 the second member of the Otoe-Missouria Tribe of
3 Indians. On behalf of the Otoe- Missouria Tribe,
4 based in Red Rock, Oklahoma, I appreciate the
5 opportunity to provide testimony at this important
6 Consultation.

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

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

20 With a citizen ship of nearly 3,300 the
21 number of positive cases, as well as those who are
22 positive but have yet to be tested, constitutes a

1 state of emergency for the Otoe- Missouri Tribe.
2 Our Tribal Government and gaming enterprises are
3 currently shut down for the safety of everyone.
4 Our citizens, as well as the non citizens we
5 serve, cannot access vital services our Tribal
6 Government provides as the only services provider
7 and an economic driver in our small rural
8 community.

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

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

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

18 Operator, let's go to the next caller.

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

21 MR. BEAN: (Speaking native language)
22 Good afternoon, Chairman David Bean from the

1 Puyallup Tribe.

2 First and foremost I want to thank you
3 for taking this time to consult with Tribes.

4 Tribes across the Nation employ over
5 700,000 U.S. Citizens and quite often are the
6 largest employers within their respective regions.
7 And, you know, I want to simply say that the \$8
8 billion will not be enough to cover all the
9 expenses.

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

21 Puyallup Tribe, our government is funded
22 -- 90 percent funded from our Tribal enterprises,

1 gaming, fill in operations, hotels, and a variety
2 of convenience stores and retail sites. We have
3 for decades, you know, assumed the Federal
4 responsibility for providing these costs. Today,
5 we will not be able to continue to do that without
6 the assistance of this money. Today our casino,
7 our hotel, and many of our businesses are closed.
8 Our overall revenue has been significantly reduced
9 because the entire State of Washington is under a
10 stay at home order due to the Covid-19 virus.

11 Thus as the Treasury and the BIA
12 consider costs that exceed what the Tribe has
13 budgeted for in reality, now all of the costs that
14 I have discussed exceed what is in our Tribally
15 approved budget because these expenses now exceed
16 our revenues. Moreover, the costs that could
17 never have been anticipated even a month ago.
18 These include increased employment insurance
19 costs, additional foods, sanitation, security,
20 cost of new leave mandates, overtime costs,
21 telecommunication, equipment costs, assistance
22 provided to families who have lost all of their

1 incomes because of Covid- 19, construction delay
2 costs because of the statewide stay at home
3 orders.

4 We believe that the allocation of the
5 remainder of the funds must be based on a Tribe's
6 known lost and anticipated lost revenue. We
7 understand that this number will exceed the \$8
8 billion allocated. Thus the funds should be
9 distributed based on some percentage of the total
10 amount requested such that the remainder is only
11 sufficient to meet 50 percent of the Tribe's lost
12 revenues, then each Tribe would get only 50
13 percent of its request. Then we need the Treasury
14 and the BIA to understand what our allowable costs
15 for the use of these funds are. Allowable costs
16 must include paying salaries and benefits of the
17 people who are retained in our enterprises
18 notwithstanding that we have no revenues. In
19 addition to the additional unemployment insurance
20 costs, additional food purchase for Tribe members
21 and families, sanitation costs, security, cost of
22 newly mandated overtime costs, telecommunication,

1 costs, equipment costs, assistance provided to
2 families who have lost all of their incomes
3 because of Covid-19, medical costs, burial costs,
4 construction delay costs. These are just a few of
5 the examples of funds that -- that these funds
6 should be used for.

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

10 MR. CRUZ: Thank you, Chairman Bean.
11 Dan?

12 MR. KOWALSKI: Thank you. Appreciate
13 the comment.

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

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

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

21 So we wanted to get some clarification
22 on the FEMA assistance to our Tribal Governments.

1 And what information and advice would you give the
2 Tribes?

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

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

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

21 So I think it's a little bit different
22 than FEMA. I don't know in detail what they ask

1 for, but I'm thinking more you have to make sure
2 that you're able to code your expenditures, say
3 that they were Covid-19 related, and then be able
4 to pull those out of your accounting system when
5 it comes time if you should be audited by the IG.

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

8 MR. KOWALSKI: The statute says this pot
9 of money is available for expenses between 3/1 and
10 12/31. That's why I come up with that.

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

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

21 MR. CRUZ: And we concur with that
22 statement.

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

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

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

22 MR. KOWALSKI: Our plan is to have money

1 transferred on or about April 24.

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

4 MS. SWEENEY: So --

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

7 MR. CRUZ: Go ahead, Tara.

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

18 So when you're talking about empirical
19 data, those are requirements that are imposed by
20 FEMA for their tracking and their own purposes,
21 and it's separate from the methodology that we are
22 seeking recommendations from Indian Country and

1 Alaskan Native communities and very separate and
2 distinct on the recommendations we're seeking for
3 qualified expenditures.

4 MR. SISCO: Well, I appreciate that,
5 Madam Assistant Secretary.

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

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

22 MR. SISCO: Thank you for that clarity,

1 Madam Assistant Secretary.

2 MS. SWEENEY: Absolutely.

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

5 MR. SISCO: Thank you.

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

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

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

15 Operator, we're ready for the next
16 caller.

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

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

22 Some general comments and then I'll pose

1 some questions shortly. And just a brief
2 description geographically where we are located.
3 I am the President of the Qawalangin Tribe of
4 Unalaska Dutch Harbor in the Aleutian Chain. We
5 are the number one fishing port by volume in the
6 Nation. We have a Tribal population of over 800.
7 And so we are an international port, we are an
8 Arctic community.

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

1 through our village corporation.

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

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

22 So what we are doing is we're currently

1 addressing and assessing our healthcare needs on
2 the island. Right now, we are supported by a
3 501(c)(3) entity on the island that has been
4 delegated the trust responsibility to oversee our
5 healthcare. So what we would like to address is
6 our asserted efforts in the past to secure funding
7 for a hospital. And a lot of you do not know
8 this, but our hospital was bombed by the Japanese
9 during World War II. It was a nine room facility
10 and the Navy proceeded to tear the building down.
11 There never was a facility re-erected and the BIA
12 sold the real estate in 1945 during the creation
13 of the township. So we have been approaching and
14 trying to secure hospital funding for seven years.
15 I've been on this council for nine years, I've
16 been acting as President for six years, but what
17 we do have is an egregious situation in the
18 Aleutian Chain, the number one fishing port in the
19 Nation, without proper testing equipment. We do
20 have an emergency -- we will put out an emergency
21 declaration, but we'd like a rapid testing
22 procedure for the island.

1 We have a huge, large international
2 population that comes from all over the world to
3 work in our community. And right now we are
4 lacking PPEs and other equipment and we would like
5 to be able to have that equipment on the island.
6 Right now the Governor has imposed an in state
7 travel ban, but we feel that, you know, a lot of
8 the rules aren't being followed. So we live on an
9 island, we are a very vulnerable population, and
10 we would like to be able to at least have
11 equipment on hand, PPEs, a rapid testing machine
12 that we can do the diagnostics on the island, and
13 to move forward since we are an important,
14 integral, economic driving engine that is one of
15 the top economic engines within the State of
16 Alaska.

17 So, granted, I've heard comments, and I
18 appreciate everybody's input. I heard the
19 population of -- even though we do have a small
20 population, but I think there's a degree of
21 economics that has to play a role in how we
22 participate in the State of Alaska.

1 But, anyway, I do have those questions
2 directed towards Assistant Secretary Sweeney. And
3 we look forward to getting a lot of our questions
4 and comments on paper and submitted by the
5 deadline.

6 Thank you.

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

16 And what I would like to do is suggest
17 that you reach out to the regional director,
18 Eugene Peltola, Jr., as a resource. As you are
19 looking to secure supplies, Alaskan Native Health
20 Consortium is the incident command for Alaskan
21 Native Health in the state. They are certainly
22 working alongside the State of Alaska and with

1 other Federal partners to ensure that Alaska has
2 ample supplies for the Covid response and
3 mitigation in the state. And there are channels
4 that Gene can help your Tribe work through.

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

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

15 So thank you very much.

16 MR. ROBINSON: Well, thank you,
17 Secretary Sweeney. Because you all know that the
18 Aleutian Chain and our community is the regional
19 hub for the other outlying communities, Akutan,
20 Nikolski, and Atka. So regardless of this virus,
21 other -- they have to go through the community to
22 get to their community. And there are and will be

1 (inaudible) opportunities that will arise and we
2 look forward to exploring the loan guarantee
3 program to enhance Tribal stability.

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

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

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

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

18 SPEAKER: I think it's Federally
19 recognized.

20 MR. CRUZ: Yeah, correct, Federally
21 recognized. So we can off line if you have any
22 questions and see where we can be helpful. So

1 thank you for calling in.

2 Operator, we'll go to the next question.

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

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

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

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

21 Our four main recommendations moving
22 forward include (1) the need for a streamlined

1 application process as simple as a revised Covid
2 specific budget going from March 1 to December 31
3 and a Tribal Council certification. That would be
4 the best and easiest way to move forward. But we
5 can't have many cumbersome requirements. And that
6 will help speed up the process for all. Also, it
7 will be hard to be equitable to all 578 Tribal
8 Governments. In a few days, the Tribes are
9 already modifying budgets based on additional
10 expenses with no revenue, and these modified
11 budgets would be the most equitable solution.

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

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

22 Fourth, if an Indian Tribe were to

1 borrow from the \$500 billion stabilization fund to
2 cover these shortfalls for cash flow needs after
3 receiving their share of the \$8 billion relief
4 fund, such loan should be forgiven as part of the
5 government's trust responsibility.

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

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

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

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

22 MR. CONNERS: Thank you.

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

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

5 MR. BEAR RUNNER: Good afternoon,
6 members of the leadership, the Department of the
7 Treasury, as well as Deputy Secretary Tara
8 Sweeney. I appreciate this time and opportunity.
9 I am the President for the Oglala Sioux Tribe
10 located in Pine Ridge, South Dakota in the Great
11 Plains Region.

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

22 And I really specifically want to

1 highlight, you know, we all know that the needs of
2 Tribal Nations that we all face, you know, but
3 however the Oglala Sioux Tribe specifically, you
4 know, we are still severely underfunded, whether
5 it be healthcare and education or infrastructure.
6 And as you all should be aware, last year we faced
7 a storm, our bomb cyclone Ulmer, that created a
8 huge setback and we're still waiting on funds and
9 assistance from FEMA. And, you know, we have over
10 3 million acres, over 55,000 membership. So this
11 funding should be directed to one, these large
12 land based Tribes, especially the Great Plains, as
13 well as by membership. You know, these funds are
14 Tribal dollars and, you know, our membership is --
15 this assistance will go to directly impact actual
16 Tribal members.

17 And, you know, here with 3 million
18 acres, you know, one, our ambulance service is
19 severely underfunded, we're lacking PPEs. And so
20 with the response time for our law enforcement, as
21 well as our emergency medical services, you know,
22 it's a severe need for us here in the Great

1 Plains.

2 Our IHS only has six respirators. You
3 know, the virus or Covid-19 is encroaching on our
4 travel borders, which has led to a shutdown of our
5 borders, as well as, you know, a shelter in place
6 and a curfew.

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

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

1 healthcare and our, you know, hospital.

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

14 And like I said, you know, we've been --
15 you know, any amount of funding that we receive
16 from this \$8 billion, you know, isn't even going
17 to -- it wouldn't even put us ahead. You know,
18 it's probably going to barely bring us up to be
19 able to provide the basic services. You know, we
20 still have people that are without running water.
21 You know, just the needs, with the highest poverty
22 rate in the country. You know, it's very

1 detrimental to us as a Tribe. And, you know, like
2 I said, I want to speak specifically for those
3 large land based Tribes, as well as the Great
4 Plains.

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

11 So with that, you know, I just -- I
12 can't even touch on what we're facing. You know,
13 we haven't had no positives as of yet, but then
14 again, we lack the testing capabilities here in
15 Pine Ridge, as well as the State of South Dakota.
16 So, you know, we really -- we have people that are
17 reaching out to us that are wanting to provide
18 alternative testing measure for the Tribe, but,
19 again, due to the lack of funding and what we face
20 as the Oglala Sioux Tribe, you know, it's very
21 hard for us to try to acquire those test kits.
22 Last I knew, Pine Ridge had at least 24 test kits.

1 You know, and there's such a heavy criteria that
2 we're not being able to proactively test to see
3 who is actually testing positive or may already be
4 carrying the virus here within the boundaries of
5 the Pine Ridge.

6 Thank you.

7 MR. CRUZ: Thank you, President Bear
8 Runner.

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

15 MR. BEAR RUNNER: Well, you know, that
16 has a tremendous -- I mean it creates a tremendous
17 need because like our ambulances are school buses.
18 Again, our roads are already, you know, almost
19 nonexistent. You know, they're deteriorating
20 fast. And so it creates a snowball effect that
21 one, the vehicles. That it's having -- our
22 emergency vehicles are being mileaged out. And

1 then to respond to somebody that may have
2 contracted the virus or to assess those needs, you
3 know, the hardship that it creates in the
4 responding to the calls for service.

5 MR. KOWALSKI: Understood. Thank you.

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

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

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

21 MR. GOBIN: Good afternoon. Glen Gobin,
22 Vice Chairman of Tulalip Tribes and we are in

1 Washington State. And we've had numerous leaders
2 speak and talk about different issues that they
3 see, possible formula solutions and they're all
4 very valid. But it also gives an example of the
5 wide and varied the impact to each and every Tribe
6 and the disparity in issues that we deal with at
7 different times.

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

20 Today, Tulalip has 3,500 employees
21 roughly. We've paid them all to stay home, with
22 the exception of essential staff, but that cannot

1 continue. We are going to be starting with
2 layoffs and furloughs, which will be starting
3 soon. But even at that we've elected to pay
4 health benefits for the next two months for those
5 furloughed employees.

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

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

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

22 MR. CRUZ: Thank you, Vice Chairman

1 Gobin. Dan?

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

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

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

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

15 In Lummi we have 17 confirmed positive
16 cases of Coronavirus. So this is why we
17 appreciate this Consultation today. Today we are
18 working together, protecting our elders, our
19 history, our elders, our culture, our children,
20 and our future. The Lummi Nation is located in
21 Washington State, which is ground zero for the
22 Covid-19 pandemic in the United States. We share

1 the important message that we cover healthcare
2 first and foremost, in our hearts and minds and in
3 our actions moving forward.

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

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

18 On March 22 we implemented a shelter in
19 place order for all of our people on the
20 Reservation. We have spent over \$175,000 in the
21 month of March in response to the Covid-19
22 pandemic. We are building an alternative care

1 space because our local hospital is too small.
2 The alternative care site is estimated to cost our
3 Tribe \$3.8 million. Our disaster related health
4 visits in emergency rooms in Washington State are
5 close to 100,000 over the last 3 months.

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

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

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

15 We recommend that the current Indian
16 Health Service methodology through our Tribal once
17 a year Funding Agreement, these funds have been
18 negotiated between sovereign Tribal Nations and
19 the Federal Government -- the mechanism is already
20 in place. What qualifies as an expenditure
21 related to Covid- 19? The Covid-19 pandemic has
22 demonstrated that the Tribal Nations need

1 investment in public health and in public health
2 infrastructure. Our public health team expects
3 this virus to be a reoccurring event, much like
4 the flu. An investment in public health
5 infrastructure will help Tribes better respond to
6 future public health crises.

7 We will also submit a letter and
8 comments. Wash your hands, stay home, stay safe.
9 (Speaking in native language) Thank you.

10 MR. CRUZ: Thank you, sir. Treasury?

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

21 I think the types of expenditures that
22 you mentioned in your comments really are the

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

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

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

17 MS. SWEENEY: Thank you for your
18 comments. And we've been tracking the progress in
19 the Northwest, especially within the Lummi Nation.
20 As you guys have been, in fact, at ground zero in
21 dealing with the community spread. I am thankful
22 for the guidance and the partnership that the

1 Northwest Regional office has had with the
2 Northwest Tribes in serving as technical
3 assistance.

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

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

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

14 Thank you.

15 MS. SWEENEY: Thank you.

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

22 Operator, we'll go ahead and go with the

1 next available caller.

2 OPERATOR: The next caller is Joe Bunch.
3 Your line is open.

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

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

12 The question I have -- and let me back
13 up just a little bit that I'm Chief of the United
14 Keetoowah Band of Cherokee Indians in Tulsa,
15 Oklahoma. Our population is about 14,000. We
16 reside in nine full counties and four partial
17 counties. So this has been very rough for us in
18 terms of our elders and our families, not
19 necessarily congregated in and around the hub of
20 the government, but literally anywhere from 10 to
21 100 miles away. And getting much needed supplies
22 and appointments and just getting checked beyond

1 the welfare of our Tribal people has been very
2 difficult.

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

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

22 MR. KOWALSKI: Correct, sir.

1 MR. BUNCH: Okay. Well, I have, you
2 know, the fair way of doing this based on
3 population, based on land, based on some of these
4 other things, the grants that are already there,
5 638, (inaudible), and that sort of thing. For us
6 smaller Tribes, sometimes there's no equality in
7 those types of (inaudible). So I look forward to
8 sending some kind of a response to that in
9 document form.

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

13 MR. CRUZ: Thank you, Chief Bunch.
14 Operator, we're ready for the next caller.

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

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

21 We want to express that any Tribe such
22 as ours are already still trying to meet our basic

1 needs and not our wants. We need facilities for
2 our youth and elders, our police, our transit, and
3 buildings for our health services programs. We
4 are already at a deficit even with (inaudible),
5 such as Covid-19.

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

15 We do support regional allocations with
16 equal amounts to each Tribe. The IHS formulas are
17 there, they exist, but they're not meeting our
18 needs. We're historically underfunded, and we've
19 been reporting our needs to IHS for many years.
20 The BIA as well. They are aware of our fully
21 funded (inaudible) needs and the underfunding for
22 many years.

1 We support using existing mechanisms
2 with current contracts, including interagency
3 transfers. We do not support considering
4 Opportunity Zones in determinations. We want to
5 take into consideration our number of patients
6 that use our Indian Health Services facilities,
7 not just our Tribal enrollment or on reservation
8 populations. Many Tribal members are unable to
9 live within the boundaries and so we want to
10 consider that as well. We would like to consider
11 our number of employees. We do not support any
12 set asides for hot spots, any additional set
13 asides be non competitive and automatically added
14 to any awards, and that no cuff (phonetic)
15 extensions be considered. The added cushions
16 right now are not the goal. The goal is to help
17 our communities and not add stress or
18 requirements.

19 We would like to see necessary
20 expenditures be flexible. Any needs that we
21 self-identify, as many other leaders have stated.
22 Reimbursements, although those are in some of the

1 other Acts as well. We would like to ensure that
2 our most vulnerable population's needs are met,
3 including elders and those experiencing any other
4 danger increases. We are seeing an increase in
5 cyber issues, so we would like to see cyber
6 security as a qualifying expenditure. Broadband
7 expansion -- as I stated earlier, we are still
8 trying to meet our basic needs and not our wants.
9 We would like to be able to self-certify any
10 outcomes. We'd like to see economic recovery. We
11 would like to see private partnerships be
12 approved. And we would like to allow full
13 administrative costs with no caps and respect our
14 local indirect cost rates. Capital development
15 for social service program development and
16 expansion. That infrastructure needs be allowable
17 and culturally specific activities be allowable,
18 including food.

19 We do encourage Tribal representation
20 for Consultation with the Department of Labor and
21 we also support our National organization
22 partners, including NCAI, National Indian Health

1 Board, and MAST.

2 Thank you.

3 MR. CRUZ: Thank you, Mrs. Boyd. I know
4 we have Tribal Leaders on the line, so Operator,
5 we'll go to the next caller.

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

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

18 As a Kenaitze Indian Tribe we have over
19 1,600 Tribal citizens and we provide services to
20 over 6,000 American Indians and Alaska Natives who
21 live on our traditional land. We also have over
22 300 employees and we are the second largest

1 employee in our borough.

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

18 We wish to express the appreciation for
19 the opportunity to provide input on the funding
20 mechanism for the CARES Act and also, as others
21 have stated, support the existing funding
22 mechanisms through the Title V and 638 Annual

1 Funding Agreement. I think that is very critical.
2 I'm a little bit concerned when I hear we're
3 looking at how do we do this efficiently, how do
4 we not delay getting the funding to the Tribes.
5 We have a mechanism that works very well and we
6 may have minor issues here, but if I look at --
7 and would like to point out -- the success of the
8 Tribal compact throughout the State of Alaska and
9 the self-determination that we as individual
10 Tribes and Tribal health organizations throughout
11 the state in determining our needs and making sure
12 that each community's needs are being met, not
13 something globally.

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

22 For example, I appreciate Tara's

1 comments regarding lack of water and sewer,
2 multigenerational homes, the screening for air
3 transportation to get our supplies into our
4 communities, and the food shortages. This is a
5 significant impact to our rural communities, and
6 even in a community the size of Kenaitze, where
7 we're on the road system, where we have daily
8 flights, and because those individuals who are
9 coming into our communities to deliver supplies
10 and other goods could be bringing the virus into
11 our area. If that happens in a small rural
12 village, such as a village of maybe 200, it could
13 decimate that village. And it is -- because of
14 all the reasons that were mentioned -- the water
15 and sewer -- we have over 3,000 homes in Alaska
16 that do not have running water or sewer. Those
17 homes in our rural communities, as were mentioned
18 by Navajo Nation and several others, are generally
19 multigenerational homes. So, again, one
20 individual in a home that becomes positive could
21 devastate a family.

22 I think that -- I do, we do as well

1 support that this funding not go through the state
2 and that we have parity with the state. I think
3 that is critical. We are a government with a
4 relationship with the Federal Government and a
5 trust responsibility to the Tribes and we should
6 not be treated as second class citizens with that
7 and have the funding go through the state. And,
8 as I understand it in the discussions today, that
9 does not appear to be the mechanism that will be
10 looked at.

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

20 And I think it is very important for us
21 to consider what happens on the other side of this
22 and as we begin to ramp back up and provide our

1 services. Our education is shut down, just like
2 everyone else, our health clinic is not seeing
3 routine type visits. We are accomplishing some of
4 that through telemedicine, but we do realize that
5 we are creating backlogs of services that have
6 assisted us over time to promote the health and
7 wellbeing of our membership.

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

19 So how are we going to on the other end
20 of this crisis ramp up and be able to do that?
21 The retention of our staff is very important and
22 very critical. I know there are some other

1 funding sources and we are looking at that, but
2 this funding here I think should be also
3 considered in that.

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

17 I think that --

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

20 MS. ZIRUL: Oh, thank you. And I will
21 cut off by saying that we do believe that the
22 funding agreements that are currently in place

1 would be in the best interest.

2 Thank you for your time.

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

6 Operator, next caller.

7 OPERATOR: Next caller is Tehassi Hill.
8 Your line is open.

9 MR. HILL: (Speaking native language)
10 Tehassi Hill, Chairman for Oneida Nation, located
11 in Wisconsin. I am speaking to you on behalf of
12 more than 17,000 tribal members and also as
13 Secretary-Treasurer of Great Lakes Inter-Tribal
14 Council, a consortium of most of the Tribes in the
15 State of Wisconsin and one in the State of
16 Michigan.

17 And so with the passage of the Family
18 First Act and the CARES Act Congress delivered
19 historic relief to main street America. The law
20 includes hundreds of billions of dollars in
21 emergency loans to help small businesses survive
22 and to keep paying their workers. The law also

1 provides hundreds of billions ore in loans to
2 secure and stabilize large employers and to help
3 them prevent or reduce layoffs.

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

14 Fortunately and thankfully Congress
15 provides Indian Country with the pathway to
16 preserve our economic resources by making the \$8
17 billion available from the Coronavirus Relief
18 Fund. Oneida Nation, like many other Tribal
19 Nations, is unable to utilize the tax base to
20 generate revenue, like states or counties. The
21 Nation relies upon enterprises and Tribally-owned
22 businesses to produce revenue during the fiscal

1 year to fund government programs that expend those
2 dollars in the same fiscal year as revenue being
3 earned.

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

1 employees.

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

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

1 supplies needed to ensure the safety of our staff,
2 patients, and community.

3 Oneida Engineering, Science, and
4 Construction Group has seen a loss in revenue in
5 about \$2.45 million the month of March and
6 anticipates an additional \$1.2 million each month
7 thereafter. The Nation's hotel has suffered about
8 \$716,000 in lost revenue for March and is
9 expecting a loss of \$922,000 in April. And delays
10 also in closing dates on property purchases and a
11 moratorium placed on property that we recently
12 required, the Nation would lost about \$10.4
13 million in land purchases.

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

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

20 Our Nation's school system, including
21 the Head Start, language immersion, K-12 are
22 closed and K-12 are finishing school virtually.

1 Our gaming and enterprise revenue funds a higher
2 education scholarship to assist individuals in
3 attaining their higher education goals. Due to
4 our operations being shut down, about 700 students
5 will experience a significant reduction in their
6 funding, between 70 and 80 percent.

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

14 And I thank you for your consideration
15 of my request.

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

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

21 I am not in a position to answer those
22 two big questions right now, but I -- from all of

1 the proceedings today, I take those as being
2 things that are quite critical and we will kick
3 them around here with the appropriate legal and
4 leadership teams to see whether or not we can find
5 our way there.

6 MR. CRUZ: Great, thank you. Operator,
7 we'll do one more call if they can keep it at two
8 minutes.

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

11 MR. MAZZETTI: Hello, can you hear me?

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

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

21 First example, we are still maintaining
22 roughly 1,800 employees, but the impact of the

1 closure of our facility has actually impacted
2 about 100,000 people, the residual. Okay, so I
3 don't see how you can use the existing, you know,
4 land base and population. It has to be looked at
5 from an economic impact formula standpoint.

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

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

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

21 MR. KOWALSKI: Well, this is a -- we
22 plan to push the cash out first and then you use

1 this money to meet your needs, and then you do an
2 after action accounting.

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

9 MR. KOWALSKI: Understood.

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

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

1 comments are provided sooner rather than later.
2 We heard a number of excellent suggestions today
3 and I want you to know that the information that's
4 shared will help our internal deliberations and
5 discussions with Treasury.

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

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

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

1 with respect to the Act we will also put up on
2 that website.

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

5 Thank you.

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

1 look forward to working with you in the next
2 couple of weeks to develop such a plan.

3 So thank you very much for your time
4 today.

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

9 Everybody take care. Bye.

10 OPERATOR: Thank you for participating.
11 You may disconnect at this time.

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

14 * * * * *

15

16

17

18

19

20

21

22

CERTIFICATE OF NOTARY PUBLIC

DISTRICT OF COLUMBIA

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

Notary Public for the District of Columbia; 3
My Commission Expires: May 31, 2024

