

BIA Call
April 9, 2020

1. Proposals

- a. Self-certification with total wages paid for every tribal employee
- b. Puyallup, Chairman Bean
 - i. If land is a factor, usual and accustomed areas where hunters hunt and fishermen fish, and gatherers gather – folks are relying on subsistence more than ever. Please consider this.
- c. Chief Kurt Francis, Penobscot –
 - i. Support a minimum amount for each tribe. Some of the smaller, needier tribes are going to need support.
 - ii. We don't support a formula because it won't take into account the needs of each particular tribal nation.
 - iii. Tribes should be able to submit self-certification of costs incurred and estimated for the rest of the year.
 - iv. Gila River seems to be the most accurate in terms of accounting for actual costs.
 - v. We don't support population-based distribution.
 - vi. If employees are to be considered, the diversity of each tribe needs to be considered. We have not laid people off, for example, during this pandemic.
 - vii. There needs to be a cap on the amount distributed to any one tribe. The \$150 million cap that has been floated seems reasonable. There needs to be a cap.
- d. Teresa Sanchez, Morongo Band of Mission Indians
 - i. Jobs – Morongo employs nearly 3,000 team members. Employment numbers have an impact on us but also locally and at a statewide level.
 - ii. Today, all of our payroll – with no revenue coming in – becomes a new tribal expense.
 - iii. We ask that you lean heavily on the impact of the call for social distancing has had on our tribe and our community.
- e. Vivian Corquias (sp?), Bethel, AK, CEO for the Association of Village Council Presidents.
 - i. AVCP is the largest tribal consortium in the nations with 56 recognized tribes and provide governmental services. Our size is the size of the state of Washington.
 - ii. Our main form of transportation is snow mobiles, boats and planes. Our nearest hospital is in Bethel.
 - iii. We are facing a double emergency. We had a rural emergency declared last summer and now we have the pandemic.
 - iv. We have immediate needs that are unique to living in extreme rural America. We need emergency response teams to respond to the virus. We have no EMTs, no fire departments, sometimes no public safety officers and

sometimes only one health worker in our communities. We need equipment and supplies including PPE.

- v. We also see a need for quarantine spaces in our communities. These will be critical in communities made up of small, three bedroom homes with multi-generational families of up to 12 people living in this small space.
 - vi. In one third of our communities, we do not have running water.
 - vii. Our gyms will need to be set up, continuously cleaned, and setup with basic supplies during this crisis.
 - viii. We need supplies to make waterless cleaning solutions. And even basic supplies like cloth wipes.
 - ix. We know COVID19 isnt going to end without these sanitation requirements being met.
 - x. We need Internet access for employees who do not have access to the Internet in their homes.
 - xi. The largest rural carrier grounded all of its planes and declared bankruptcy recently. But folks need to be able to get to Bethel in case of emergency.
 - xii. This is why the relief funds are so important and we need to get these funds to tribes immediately.
 - xiii. We recommend \$750,000 to each tribe and/or consortium. We need to take into account the increase cost of living in rural America.
- f. With respect to issues related to PPE and supplies, recommend that you work with Jean Partolo, Jr. who continues to host twice weekly tribal calls with USDA, HHS, FEMA. Would also encourage you to submit your recommendations at [Tribal.Consult@Treasury. Gov.](mailto:Tribal.Consult@Treasury.Gov)
- g. Chairman Marshall Pierite, Tunica Biloxi Tribe of Louisiana.
- i. Furloughed over 90% of our employees two weeks ago.
 - ii. We will use \$\$ to put our employees to get back on the payroll and to pay for their insurance.
 - iii. Please consider the high rates of diabetes, heart disease and asthma that are plaguing Indian Country.
 - iv. Please consider the parts of the country that are hardest hit by the COVID19 crisis, such as Louisiana.
 - v. There should be a minimum and a maximum. A loss of revenue and a loss of employees should be considered.
- h. Shawn Yanity, Chair of the Stillaguamish Tribe of Washington
- i. Several of our employees are on the payroll but not working
 - ii. We encourage the formula be based on the economic impact of the COVID19.
 - iii. We believe the best proxy is the number of employees prior to the pandemic.
 - iv. We believe that at least \$6 billion of the \$8 billion be for economic relief
 - v. We believe there should be a minimum of \$2 million per tribe.

- vi. We rely heavily on tribal businesses. The CARES Act is intended to provide relief for the consequences of massive economic disruption. We support payments directly to tribal governments and NOT through the state.
- vii. We acted responsibly even though we knew what it meant to our community. Without a tax base, our businesses are the lifeline for our communities.
- viii. We want to make sure that small land-based tribes are not left out of this package.
- i. Can you describe the costs associated with laying people off?
- j. Robert Jeff, Vice Chairman – Santa Rosa Rancheria
 - i. We recommend a direct distribution to tribes
 - ii. Should be based on direct costs associated with
 - 1. Health premiums
 - 2. Payroll costs
 - 3. And all other costs associated with tribal governments and tribal enterprises impacted by the COVID 19 emergency.
- k. Chief Victor Joseph, 42 members and tribes of interior Alaska.
 - i. Interior Alaska villages are only accessible by plane and boat.
 - ii. The common guidance of handwashing is not applicable to villages that do not have running water
 - iii. We have large extended families living in small homes under the same roof.
 - iv. Law enforcement is not available
 - v. We are hiring untrained officers to enforce stay at home orders
 - vi. Tribal governments must fund the purchase and distribution of groceries with the closure of transportation.
 - vii. Methodologies should prioritize small and needy BIA category.
 - viii. A minimum amount of not less than \$750,000 must be provided if we are to successfully address the COVID19 emergency.
 - ix. Tribes must be able to determine their own needs – airports, broadband, building improvements, PPE, reconfiguring offices to allow work to continue as well as business expenses, education and other costs.
 - x. We ask that there be minimal reporting requirements with tribes accountable for their own audits.
- l. Melanie Benjamin, Mille Lacs Band of Ojibwe.
 - i. The impacts are crushing our budget and sending us into a huge deficit.
 - ii. Our largest expenditures – where COVID is inflicting the heaviest pain – is workforce share. We believe this is the most reliable and most effective tool to use.
 - iii. I am the secretary of NAFOWA.
 - iv. Through the Minnesota Chippewa Tribes, being grouped in as one tribe, is problematic. Don't classify us as one tribes when in reality we are six, independent, sovereign nations.

- v. We are experiencing these costs without revenue coming in. We cannot continue this. We have 16,000 employees across the state and this is having a huge impact across the state.
- m. Martin Harvier, President – Salt River Pima Maricopa,
 - i. We support the work of NCAI and others who are communicating with you on how best to distribute the tribal funds.
 - ii. There is a great diversity of expenditures.
 - iii. Please consider broad categories of what constitutes eligible funds.
 - iv. The community supports the statement of intent by Congressman Ruben Gallego that the intent is to cover the loss of revenues that would have covered the cost associated with our employees.
 - v. Treasurer and Interior should allocate according to economic output and expenditures. We believe the appropriate tool is the IRS 9141 Application for Prevailing Wage Determination.
- n. Robert McGee, Vice Chairman of the Poarch Band Creek of Indians of Alabama
 - i. The majority of relief funds must take into account the largest expenses of the tribes which is employee payroll.
 - ii. We urge you to broadly define the term necessary expenses
 - iii. We have kept 7,000 employees on payroll. But we cannot wait until April 24.
 - iv. Could you please provide some initial guidance.
- o. Secretary Sweeney – You raise several good points. Your question about guidance is something we continue to see from tribes and villages. There are other provisions in the CARES Act that tribes may be eligible for particularly with respect to Title 2, there may be opportunities there where you may be able to capture dollars outside of the \$8 billion set-aside.
- p. Jack Wells, Northern Native Community in NW Alaska.
 - i. All tribes are facing COVID-19 crises and all tribes need baseline funding. We request a minimum amount just as states receive floor funding. We should not compete with each. Other facts should be health, morbidity, housing disparities, population and economic status. It should be a minimum of \$1 million per tribe.
 - ii. We believe there will be a need for additional stimulus beyond the CARES Act.
 - iii. In Alaska, we face higher heating, food and other costs. We have high unemployment. Just recently, an airline serving rural Alaska, went bankrupt.
 - iv. Providing a baseline would ease the burden on Treasury. Tribes with more than \$1 million in claims could still complete an application.
 - v. Tribes with the fewest resources to submit a claim would still receive a grant. Grant reports for the minimum funding should be minimal
- q. Chairman Rodney Butler, Chairman Mashantucket Pequot Nation
 - i. We are urging Treasury to implement a response that is consonant with terms of the CARES Act.
 - 1. Cost must be a necessary expenditure

2. Such costs must not have been accounted for in the most recent approved budget
3. Spending should be from 3/1 through 12/31.
- ii. It should be a minimum amount and a needs-based amount based on losses.
- iii. We are concerned with a methodology that is land-based or population-based. Any such formula will inappropriately allocate resources.
- iv. Chairman Stock, Match-E-Be-Nash-She-Wish Band of Pottawatomi
 1. We have been kept folks on payroll. The loss of payroll would impact the local economy. Our casino supports an additional 2,500 regional jobs and contributes over \$260 million to the gross regional economy.
 2. Expenses incurred include continuation of payroll of employees and benefits. Continuation of health benefits for those laid off.
 3. Costs associated with the suspension of construction projects.
 4. Emphasize that unless the SBA revises its guidance around casinos, tribes will be adversely impacted.
 5. We have a preference for a simple formula to expedite delivery of these funds. We encourage Treasury to understand that a one size fits all will result in inequitable distribution.
 6. Tribal population alone will not take into account the disparate impact on tribes. A blended formula that guarantees a minimum distribution would be most equitable.
 7. We support the process offered by Gila River Indian community.
- v. We have heard loud and clear from Indian Country regarding the SBA guidance.
- vi. Warren Morin, Mountain Gros Ventre Rep, Ft. Belknap Indian Community
 1. Elders are sheltering in place and we are delivering food and services to these individuals.
 2. We are trying to increase our police presence to ensure that the shelter in place order is enforced. But we are under resourced by about 50% per our 638 contract.
 3. This COVID-19 emergency is going to adversely impact the large land-based tribes.
 4. We all live in the same conditions with multi-generational housing, with three generations living in the same house. This puts us at high risk.
 5. We need a quarantine facility because we can't send people home or everywhere will get it.
 6. We've been screaming for help and we don't get anything.
 7. What little money we were getting from our tribal enterprises has disappeared.
 8. I would like you to consider poverty. 35% of our kids are homeless, sleeping on floors and couches. We need help from the government for that.

9. And we need to look at the health care services that are provided. We just don't have the capacity to serve everyone.
 10. Because of our location, we can't fill our healthcare positions. There are 22 or 23 positions that are vacant at a time when we need them the most.
 11. I'm angry because of the government's failure to carry out its trust responsibilities. And it's not just our tribe. All of us northern plains tribes, we're poor. We don't have large casinos. There was one call from the Plains tribes and nothing from the Rocky Mountain region.
- vii. The Rocky Mountain Regional Director for the BIA is hosting twice weekly meetings. The Regional Directors are there as a resource for tribal governments and they are there to provide technical assistance. The lead agency for recovery is FEMA. During the weekly or twice weekly calls, we strive to have our federal partners participate on these calls to answer questions with respect to PPE, quarantines, etc. And please check out the CDC website and the BIA.gov website which has all of the publicly available information that we have communicated to tribal leaders as well as links to FEMA, to IHS and the CDC.
1. We don't have the money to fund the expenses incurred to later get reimbursed by FEMA
- viii. Brenda Meade – Coquille Indian Tribe –
1. I want to urge decision-makers to really think about what you've heard from tribal leaders – the impacts are huge and different for each tribe.
 2. Sovereignty, self-determination and flexibility – because we are all very different.
 3. The majority of tribes are small and medium sized.
 4. The Coquille Tribe lived through 1954 Termination and then restored. Every tribe has a distinct history. Every tribe has struggled.
 5. Think about things in a fair and equitable way.
 6. Maximize distribution as you are doing with the states.
 7. I would urge you to NOT make us report information, to be required to explain our needs, the costs we have incurred. We are working now because it is impacting us now.
 8. We are the second largest employer in the county. We are tasked to purchase our land base back and we are doing that. In order to make it fair for all, we need a maximum base amount.
 9. Don't reinvent the wheel. The Indian Health Service has a formula that works.
 10. I would encourage you to consider rural and remote tribes.
 11. Support our sovereignty, our self-determination, and our ability to do things that we desperately need to do right now.
- ix. Melody Banki (sp?) – Alaska, a tribal consortium of 20 recognized tribes. Our service area is roughly the size of West Virginia.

1. Some of our communities completely disappeared in the 1918 pandemic
 2. Our region has the most overcrowded village in all of Alaska. We have some families who sleep in ships because we don't have floor space. We have a family of 27 living in one house.
 3. We have one road that is only accessible in the summer time.
 4. We have villages that are vulnerable due to extreme erosion and adverse weather circumstances.
 5. Our recommendations don't come lightly
 - a. Broadest possible use with maximum flexibility
 - b. We have been providing our higher education students with resources. So we are already expending real funds. We have equipped our foster parents with the ability to allow the children to communicate with their families.
 - c. There are water, sewage and transportation issues.
 - d. Food security is a real issue.
 - e. We encourage supplemental food for our communities.
 - f. Groceries are pretty bare with the shutdown of the airline.
 - g. Access to water and sewage needs to be prioritized. We are way behind the rest of the U.S. Water and sewer need to be in all communities.
 - h. Need to consider a cost of living adjustment because costs are much higher in Alaska.
- x. Amanda Vance, Augustine Band of Coahuila Indians
1. We are a small tribe but we employ 500
 2. We support a minimum distribution
- xi. Chairman Cromwell, Mashpee Wampanoag Tribe
1. We are one of the hardest hit tribes in the country
 2. Homeless has increased as families are torn across by the pandemic
 3. We need increased operational staffing services to serve out people.
 4. We need PPE
 5. We have a population suffering from SUD.
 6. We need basically every basic need that can be imagined.
 7. The tribe has NO SURPLUS to meet these needs.
 8. Land-bases and population should be incorporated after a minimum base has been provided.
- xii. We will be sending out a Dear Tribal Leader on Monday regarding a separate conference call in which we will discuss the \$453 million from the BIA.
- xiii. Bob Peters, Chairman Gun Lake Tribe of Michigan.
1. Treasury should allow tribes to independently determine how funds should be spent.
 2. We support baseline funding of \$1 million per tribe and then \$1.5 billion by economic impact. And the balance according to demonstrated costs.

- xiv. Brian Newland, Chair for Bay Mills Community in Northern Michigan
 - 1. Make sure that we all have the flexibility to determine our own needs.
 - 2. A base level of funding needs to be established so that we can continue to operate our government.
 - 3. We are not asking for a casino bailout. The trust responsibility extends to the tribe and not others.
 - 4. The SBA guidance excluded tribes forcing us to put 400 employees on unpaid leave status.
 - 5. Indian Country could easily put together hundreds of billions of dollars of justification but we only have \$8 billion which must be distributed amongst very different tribes.
 - 6. Funds should be distributed according to existing mechanisms and formulas.
- xv. Ron Allen, Jamestown S'Klallam Tribe –
 - 1. Our tribe is supportive of keeping the model for disbursement of funds simple. We support efficiency and timeliness.
 - 2. We think the use of population is viable but we like the idea of taking the tribal enrolled numbers so that they are in aggregate so that we can find a base so, 5-500, 500-1,000, etc.
 - 3. We can think that land-base is a factor – that the ability to serve citizens is determined by size – but small tribes shouldn't be penalized.
 - 4. Number of employees is a factor but you need to use one set of employees, either casino or tribal employees
 - 5. There definitely needs to be a minimum – hence the bands we suggested – and there needs to be a cap.
- xvi. Stephen Roe Lewis, Governor, Gila River Indian Community
 - 1. There is no formula contemplated in the act.
 - 2. We believe it needs to be need-based.
 - 3. Each tribe has the ability to prepare a certified estimate of needs that could be completed in an hour or two.
 - a. The 2019 budget
 - b. 2020 budget with anticipated revenues
 - c. Month-by-month loss of revenues
 - 4. We should provide an estimate based on a 5/1 opening and a 6/1 opening which is probably more realistic.
 - 5. This type of estimate could be easily reviewed by Treasury.
 - 6. We need to show the actual need to Congress. We asked for \$20 billion. Congress said we couldn't justify the numbers. We NEED to do this or we will be short-changed.
 - 7. We believe there should be a minimum and a cap for this round of funding.
 - 8. What is Treasury thinking now about the formula?

- xvii. All I meant with respect to the formula is that we take some issue that we can do a full assessment of need in the time available to us. The Statute wants us to get money to states and territories as fast as we can. And I find that at odds as we sit here on April 9 trying to do that. We are seeking a fair, rough justice and allocation within the next two weeks.
- xviii. Bill Iyall, Chair, Cowlitz Indian Tribes
 - 1. We support a simple allocation up to even half of the \$8 billion
 - 2. The equitable distribution would be similar to Title V of the CARES Act for States and Territories.
 - 3. Cowlitz has 1,500 employees, furloughing more than 1,200 employees.
 - 4. We can see the value in recognizing the service area. We serve an area from Seattle to Portland, in our clinics, substance use disorder treatment, etc. So we are maximizing services through telehealth.
 - 5. Tribes are hotspots and we were in Washington State which was where the virus entered the country.
 - 6. We should only need to certify that resources are spent on expenses identified in Title V. We should be able to self-certify for compliance purposes absent a showing of fraud intent.
- xix. Silver Village IRA in Alaska.
 - 1. Many tribes have created industries to improve their tribes and help their people. This pandemic has done major damage to tribes across the country.
 - 2. Simple solution: 80/20 rule. I would propose. Take 80% and divide it on population and then 20% per tribe. This would be a good compromise. You have to do this quickly.
 - 3. We have a ferry boat that takes our members back and forth to the road surface system. All of the revenue comes from our tourist system. But there's no tourism this summer so we're going to run a deficit this summer. So we'll have a loss of revenue even if our budget doesn't increase.
- xx. 80/20 rule works for legislation as well. If you can get 80% of the senators to agree, the other 20% will go along.
- xxi. Robert McGill, Chair, Ak-Chin Indian Community in Arizona
 - 1. We are trying to keep as many employees as many as possible. We have not let anyone go as of yet because we value our employees. At great expense to our tribe. These employees are why we have been successful but we cannot continue this forever.
 - 2. We encourage you to distribute funds according to economic impact. We encourage you to use employee numbers of tribal enterprises and tribal government.
 - 3. We encourage funds to be distributed through compact and 638 agreements.

4. We recommend \$6 billion based on economic factors and that each tribe get a minimum of \$750,000

xxii. Chairman Alvin Not Afraid, Crow Tribe

1. When we come to this dispute over land base vs. per capita, we all want to get to a fair solution. There are other areas that can assist tribes. In particular, the casino part of it can be approved from the white house, or treasury. We always seem to get bottled in BIA or Indian Health Service. When you try to bottle folks up into these two systems, it's not going to work
2. As our trustees, please ensure that we have access to these other funds as well. We do qualify but when we try to access those funds, we get push back and are told that we need to go back to BIA or IHS. Even USDA is doing that.
3. When COVID funds are being offset by Treasury, who speaks for us? We get no response; we get put on hold for days. As people are insecure about losing jobs, it seems the bureaucracy is getting in the way of us getting access to COVID funds.

xxiii. We are happy to continue to work with you and the regional director on the other issue.

xxiv. Mark McCaro (?)

1. We have 6,000 employees. The closing of the casino has had an immediate and devastating impact. For example, we will be required to make payments of tens of millions of dollars to cover unemployment expenses. We support a three-step formula: \$1 million to each tribe; and \$1.5 billion based on population; and then as part of the economic stabilization of \$5.9 billion based on wages paid. This is in compliance with the letter and intent of the law.
2. Will you be responding to this next week regarding the formula? We cannot wait that long.

xxv. We are working to get guidance that provides maximum flexibility to governments that will benefit from funds proceeds. We hope to do this next week.

xxvi. Terri Parton, Chair, Wichita and Affiliated Tribes of Oklahoma

1. Our tribes acted swiftly, shutting down our casinos and our businesses out of concern for our communities and our region.
2. We have paid our employees, making sure our kids have food so we have continued to pay them.
3. And all of the mental issues that go along with this.
4. Must include Tribes fixed costs including governmental and tribal enterprises. Lost profits must also be covered. Each day, this puts us into a deeper hole. These costs are now sheer costs with no revenue coming in to cover them.

5. And these are all necessary to protect the health and welfare of our members. We did not account for these expenditures in our FY 2020 budget.
 6. These expenditures must be covered by the CARES Act. These align with the legislation's intent.
 7. Tribal expenditures, lost revenue and increased expenditures, and lost profits are all legitimate expenses.
 8. Our tribe has 3,400 tribal members. We are one of the larger employers in CATO County. We have five tribes in this county. And us, and the Delawares, are continuing to pay salaries.
 9. Right now, Oklahoma is predicted to be a hot spot in the next few weeks. We are not collecting taxes right now. Comparing tribes who are not on the same level of economic development will be difficult.
 10. We are concerned about this coming back around and we need to be able to prepare for that.
- xxvii. Tom Robinson, Qawalangin, Dutch Harbor, AK.
1. Our council took the expense of getting a rapid testing machine for our island.
 2. We rescinded from our regional organization this weekend.
 3. We are fighting for basic infrastructure run by a provider and not a health aid.
- xxviii. We are looking at this issue closely
- xxix. Rodney Cawston, Colville Confederated Tribes
1. The original homelands extend from central Oregon far into BC.
 2. We are the largest employer in Okanogan
 3. We encourage the distribution via PL 93-638 contracts and compacts.
 4. Each tribe is unique and each response is unique.
 5. The BIA already has a relationship with tribal governments.
 6. If contract support costs are to be considered, they should be done in the next stimulus act.
 7. We would not recommend a distribution based on data calls. These take a considerable amount of time and could be challenge which would delay distribution.
 8. If the loss of gaming revenue is to be realized, it needs to be understood that most tribes either have small or don't have gaming operations. Many that do have casino are located in urban areas where other resources are available.
- xxx. Gary Batton, Choctaw Nation of Oklahoma
1. Methodology should be based on employees or tribal citizenship
- xxxi. A methodology needs to be determined next week.
- xxxii. Cathy Chavers, President Minnesota Chippewa Tribes
1. If there is a direct payment from treasury to the tribes, we are worried about clearance through the portals.
 2. We are looking for flexibility in the use of funds and reporting

3. We will look at a base of \$1.5 billion.

SIGINING OFF TO JOIN INDIAN HEALTH SERVICE CALL