Leonard Forsman (00:07:12):

Thank you everybody for getting together on this call for an update; there is a lot happening. There’s a lot happening in Washington DC. All of you have been busy on a lot of other calls. I see Kevin Allis is on; thank you for all your hard work at NCAI. We are on call today for an update on what is happening in the Capitol as the Congress and the Administration are working lessening the impacts the pandemic has had. First off trying to manage the health impacts and then secondly the economic impacts and upholding the trust responsibility to us. We have had some successes there but there seems to be a lot of challenging details, probably the most challenging part maybe that we do not know what the details are yet but we want to try and influence what those details become. One of the things that I was thinking about this morning was that although Seattle got hit early on this our Governor and tribes have all come together to try to less the curve and it seems to have slowed a little bit here and then jumped up in other parts of the country. It is really a moving target but I think that we have got to stay united and try to do what we have to do to keep the pandemic in the corner as much as we can. In the meantime try to maintain our important role as tribal governments, not only to protect our citizens but also to continue to do those other things that are so important such as maintain our culture, our natural resources and our mental and physical health.

With that I will move on. Right now our agenda has Brian Gunn, legislative update, health board update from Laura Platero, a economic relief cares act update with Chris James and Amber Schultz Oliver. And then we have Kevin on priority letters to Congress. So those are the primary agenda items. I think under the legislative update. Its great that Ron’s on the phone. If Ron could give us a little update on what he’s been hearing about the consultation with Interior treasury. And I know that there’s been a couple of calls scheduled. So I think part of what we need to do is try to come up with some elements of a policy document or statement from ATNI regarding what we would like to see happen in the economic packages that come forward.

So with that, Terri, do you have anything.  Good morning Brian.

Brian Gunn:

Hey, good morning everybody. Can you hear me okay?
Okay, thank you. I’m not going to take up too much time because I know Chairman Allan and Kevin Allis can chime in on this also. But I guess what I’ll say is with the all the conference calls and emails that people are getting from different agencies, I’m kind of share your pain in the sense that there’s a lot of this is sort of overwhelming and everyone I think is sort of in the trying to keep up mode as best they can. There’s also, especially with the $8 billion fund, that chairman Forsman has been mentioned. You know, people are kind of being put in a very difficult position of trying to make decisions based on what is right now unknowable. And so I know that I’ve talked to various tribal staff and council people who are on this call about these issues and you’re basically trying to get confirmation from me and others that what they’re going to be doing or what expenditures are going to do will be reimbursable at the end. And unfortunately at this point, none of us have anything firm at this point. So, I guess what I would say to start out is that I think everybody is sort of in the same position of trying to get answers to the same questions that there’s just not good confirmation on. So I’ll just preface that. I guess today, just a few things to share. The Assistant Secretary for Indian affairs has sent out a Dear Tribal Leader letter
announcing a couple of tribal consultations, including issues related to the $8 billion fund, which Interior is having a role with Treasury and determining how it's administered. And it looks like it's from 10:00 AM to 1:00 PM Pacific time this Thursday and then another call a week from Thursday, about the same time. So we should all be getting that in your inbox. It's probably from the BIA regional folks. So that's something, probably an important consultation to be aware of and to participate in.

As far as the Northwest goes, one thing I would mention is some folks are aware that division B of the CARES Act has under the department of commerce appropriations, has $300 million set aside to provide relief from fishermen, including tribal subsistence and commercial fishermen who were affected by the COVID-19 outbreak. As I understand it, Noah is soliciting estimates of damage or of impacts from tribes. I think it was originally April 3rd was the deadline, but my understanding is that it's been extended to April 10th. It would apply to tribal folks, whether individuals or tribes, who aren't otherwise available to get disaster assistance under Noah's regulations. And that disaster assistance is really limited to fishermen who have like commercial fish farms. So as I read it in terms of tribes, individual tribal fishermen, it's wide open. So just, just to make folks in the Northwest aware of that. I would also, in addition to individual fishermen, I would suggest that tribes that have natural resource employees who don't pay unemployment or other federal taxes by virtue of being employed by a division that regulates tax exempt fishing activities. I would also encourage tribes to include that information and what they send to Noah. And I know some of the Upper Columbia and other tribes have employees too who fit that category, who are regular employees. They just don't withhold or pay the applicable taxes for those folks who work on those programs. So I will let Chairman Allan and Kevin chime in at this point, but I'll, keep my remarks brief.

Kevin Allis:
So I'll defer to Chairman Allen and, and on the agenda I think Chris James is slated to talk about the legislation and I'll defer to them on that. I can fill in the gaps.

Ray Peters (00:16:41):
I have a question for Brian. We, as a tribe, also farm gooey duck. And so as I read this section, we would be able to also not only individual treaty gooey Duckers, but as well our business apply for relief money because we're terribly impacted.

Brian Gunn: (00:17:20):
I believe that's accurate. You want to look at that part of the commerce section of the bill. It basically says it defines it as fishing participants are eligible for this relief and fishing participants are basically folks who are not eligible for the disaster relief provisions that NOAA otherwise administers. And I think that site is 7CFR 1416, I believe. I'm just some reason I can remember that. So take a look at that. As I, as I looked at it, it was, it applied to companies that were engaged primarily in aquaculture that are eligible for that disaster relief. So what the bill does, it basically says that if you're a fishing participant and not otherwise eligible for what's in that site that I just mentioned, then you're eligible for relief under this fund in the CARES act. So I, I guess I'd have your folks take a look at that.

Ray Peters (00:18:30):
Right? I believe we fall under that with their salish sea food company who handles the aquaculture farming and our flux seeds, raising all the seed.
Ray Peters (00:18:54):
So my second question to that, Brian, is, would it be the government that is submitting in totality the relief funds for individuals and for the businesses or are they separate applications?

Brian Gunn: (00:19:13):
The language as I recall, doesn't make that entirely clear. I mean, some practical matter, I would think that the tribes would want to take an inventory from their individual fishermen, including subsistence fishermen would cause this also applies to subsistence a harvest. You know, for the tribes in the Northwest that don't have treaty fish commercial rights, but have other types of rights. I presume that it would probably be logistically easier for the tribe to submit on behalf of everybody, but as I read it, it doesn't look like it excludes individuals from sending stuff to NOA either.

Ron Allen (00:20:03):
Yeah Brian's update is good and it definitely current. I just got off just a short while ago department of treasury TTAC meeting and we had about a four hour meeting yesterday going through all these different issues that Brian was outlining. And of course everybody's focusing on the 8 billion on how to get it out. Now I think that most people has seen the DOI notice tribal leaders notice on the government-to-government for the 2nd, coming Thursday and the 9th, next Thursday to follow up and get feedback from the tribes regarding the implementation of the 8 billion that's out there. So we've had numerous conversations about that subject matter. There's a lot to this conversation. The first thing that we've been wrestling with Treasury is to make sure that they do not try to create an allowable expenditure list. They don't do that for the States. And so we made it real clear to them, you do not do that for the tribes. And that the certification or verification of the allowability of the unexpected expenditures due to the shutdown due to the virus. So we think we got that message clear. We have not communicated with DOI. So that's an upcoming communication that is essential to make sure that they don't go sideways on us as well.

They are engaging with the Treasury regarding two key issues. One of them is what's the best vehicle to get the money to the tribes once they come up with a model that determines the distribution. Right now the two they have been talking about is simply checks. You know, once they come up with a number per tribe, you just send them a check. Treasury does think that that they can cut a check pretty fast; 574 checks or something along that line that dependent upon how this distribution model works. The other one some have suggested is the BIA 638 compact vehicle. Some say they think that can work, but some are worried that it gets caught up in their system to process it through so that the drawdown can work timely. That's a question with regard to that matter. The bigger test, the bigger challenge is how to come up with a formula or model, if I can put it that way, on how you break down the 8 billion out to the tribes. So there's a combination of issues because the law is intended for just the survival, It's intended to deal with the current 8-10 weeks or so that we're trying to get through this Corona virus shutdown and unexpected impact creating these unexpected expenditures and everybody knows there's a large variety of what those expenditures are. We've been coming up with kinds of things that tribes should be thinking about that would be shared with tribes, in terms of what kind of expenditures you can, you can use this money's for. Because at the end of the day, when you look at the app, and Brian can correct me if I'm wrong, the Inspector General is charged with circling back after this is all over To make sure that the money was spent consistent with this intended purpose. And that's how the States are going to be dealing with it. There is a provision in the app that talks about the certification of
the use by the local government, and not necessarily the state government. So that's going to be an issue of how that is verified in terms of the allowable use of these funds. There are no other criteria other than it will be used to offset the impact of the Corona virus on their revenue base, et cetera, et cetera. So we, the TTAC group, have communicated to Treasury that we insist that we have the same discretion. One of the things we're asking for is how did they come up with a formula, how they distributed to the state, just for reference. Now, Senator Leahy put in this provision that created this base for States, and I think it's like 1.2 something billion, for small States not getting overwhelmed by larger States, California, New York or whatever. And so, so some have asked a question, should we have that kind of a base for the tribes? And now that begs the question, does that work for tribes? Because you can deal with a small village in Alaska versus Navajo or other larger tribe/larger operations such as Chickasaw or whoever. The Great Plains tribes have raised the issue that their economy is weak and so they may get a bad deal out of this package. And so there's a lot of different conversation.

Should the formula be driven by employees, i.e. governmental employees versus business employees? So should they be kept separate? And if you had a base and just for the sake of discussion thinking small tribes that don't have much of an economic base at all should they get something? And so if you have a base, it'd be difficult to create these tiered basis. So you, you may have just one base. So there's this conversation going on. And what would that base be? And I don't know if that is something that would go into this model or not. But, but there's lots of discussions about this. Kevin probably has some insights, I know he and Dante and our DC folks are, are bantering this about, about what would be a simple model with criteria. So I'm just sharing with you some of my thoughts that I've been sharing with them. You've got to come up with something simple to get the money out. They have to get the money out by April 27, less than 30 days from now. So we can't debate this forever and ever. You have to come up with their formula. So do you consider employees the governmental? Do you consider business employees? Do you consider population enrolled citizenship? Is that a factor? Does land base, is it a factor? Large land based tribes think that it should be a factor in terms of serving their respective communities. So if you have these kinds of factors that you take into consideration, do you attach a percentage to them, to the model and per tribe and would that work? Now if you have a model like that, they may work for some tribes not work for other tribes. It's going to vary from tribe to tribe because of a variety of things and it is just what it is. There is not a perfect system out there. So that conversation is going on. Treasury and Interior are going to get some feedback from tribes on their thoughts on it. Brian and all his colleagues out there, they've all been talking through what, what they think works. I got a whole bunch of emails on different ideas from different people on how that model might work so that it's fair and proportional. To say the obvious to you, we can look at each other's tribes and see how our business base vary from business to business, including our casino operations. And so far the conversation has not been about our casinos exempt, but there is a criteria in there that targets specifically maximum 500 employees. And so what's not clear is if rather you have chartered corporation - are you keeping them separate from the governmental businesses? Do you keep them separate, it changes the numbers and the eligibility of those who should be able to access these resources. And they definitely put that 500 in there too, to try to not let the large corporations or businesses overwhelm the smaller ones. And so we've got that kind of stuff that we're wrestling with all together. Okay. I'll park that for any kind of comments, questions, et cetera. So that is an ongoing conversation and you'll see that surface very fast this coming Thursday.

We talked about the three committees are still moving forward. We gave a report on the three committees; that’s the GWE committee, the pension committee and the dual taxation committee. The
GWE is meeting tomorrow at eight o'clock our time for two hours. Then the dual taxation is meeting tomorrow afternoon, one o'clock, I think our time. That notice would come out for people who are interested in listening in on what they're doing. We are moving forward because we're having to use basically conference calls, Zoom and webinars to try to get our job done to keep moving. We're trying to stick to our schedule to try to get our work done, to make a recommendation from the three subcommittees to the full TTAC by this coming fall session. So we haven't changed our current schedule of meetings and we're hopeful that the, that the Corona virus restrictions are going to be lifted as we get deeper into the summertime.

There's a couple of other issues that we had raised and we're still trying to get more and more clarity about them. There's a whole bunch of tax credits with regard to salaries, social security, deferrals and credits for employees and how that's going to work. IRS promise to come back at us from their perspective in terms of its application and how they will work. They have said that they think the majority of the interpretation and how it will work will come from Labor. And so, we're going to be sending a message over to Labor that Labor needs to come consult with the tribes regarding the unemployment implementation and the credits, etc. for employee payroll taxes. So that conversation is a collaboration between IRS and Labor driven by Labor. And so we're deferring over there to them on this particular topic. That's the main things that, that has come out of our treasury dialogue.

I had communications with Henry Cagey who is very concerned from Lummi perspective on our TTAG intercepting the government-to-government relationship. And I just want to say for our group, we're not, we have said numerous times that all we're doing is advising and we're making our recommendations based on the tribal leadership and the technical advice that we get. And it's not supplanting the government-to-government obligation of a Treasury, DOI and Labor; and Commerce for that matter. I heard that conversation earlier with Brian and Ray on the fishermen and the aquaculture operations. And so the question of the day is how does that work?

One last thing I want to put back into the 8 billion in the economic relief because under unemployment we only recover 50% from labor for our reimbursement to the state; for those of us who are in that system. Now there's language in there that says that we have the authority to use portions of the 8 billion for the other 50% for reimbursements for the unemployment. Quite frankly, that is probably a pretty good size number. And so if that happens, it would diminish the 8 billion to a certain level for the business relief or for the unexpected expenditure relief that we think it was primarily targeted for. I have great concerns about that personally because I think that labor should be in a labor column. And when I've talked to our congressmen, Larsen and Kilmer, they have said that they think that that's going to be resolved in stimulus 4. Brian knows probably more than I do about stimulus 4, which is probably, intended from what I understand is to try to get us out of this current situation we're in right now and reboot, I guess for lack of better words, our economy. And the problem is when does that come and how do we deal with our States, like us here in Washington, how do we deal with the state if we're only reimbursing them 50% of what we owe them. So I'll stop there guys. That's my update as of this morning,

Kevin Allis (00:35:45):

Mr, Chairman, may I make a couple of comments and follow up on that. So speaking to the $8 billion, that fund as Chairman Allen will tell you, as Brian will tell you and anybody that worked on the legislation building up to the final product and then dealing with how we're going to approach the administration and different agencies based on the language and what we think the interpretation
should be. The language in that $8 billion provision is, is less than desirable. Okay. So it requires an enormous amount of work. And, and we have been a part of a group and organized in a group to spend an enormous amount hours over the course of the last three days, almost round the clock, literally on calls at one o’clock in the morning with a group of individuals and tribal leaders vetting through how we think and treasury and in interior audit interpret this language.

And Chairman Allen was a champion for that at TTAC. And it's really important. NCAI put together a letter that received approval from numerous organizations involved in our group. Sent it to the Treasury Secretary, sent it to TTAC and sent it to Department of Interior. So on the part of Interior on what they're going do and how they're going to interpret. I have had direct communications with Secretary Bernhardt on that. He’s reading the letter taking into consideration. I've also had direct communications with Tara Sweeney on that. I’ve been advised that they convened a group late last week at Indian affairs to begin to get their head around this. With respect to formulas or how this gets out. That’s still in the queue. There's a lot of unknowns, but one thing is very clear with respect to expenditures that is NCAI position and with the help of the input from dozens and dozens of other people that the language has to be interpreted extremely broad. As Martha McSally and Steve Daines have said and have promised to champion moving forward. And I’m on a call this afternoon with Senator McSally and chairman Grehalva on this. They said they’re going to make sure that treasure and interior knows that this bill is supposed to be helpful and to get the tribes through this particular period of time and not to be construed in a very restrictive manner. We’re going to make sure that that happens and that gets through.

There was a colloquy attached to our letter that went, that spoke to a lot of these things Chairman Allan spoke to. In the letter and I’ll read the bullet points that we suggested interpretation be, which is a coverall and, it covers everything that we would want at this point: expenditures that otherwise would have been funded, but for the loss of revenue, expenditures associated with the diminish capacity or closure of government or entities, payments including payroll related expenses for employees while governments or entities are at diminished capacity or closed, costs of financing incurred due to increased expenditures and differences in revenues transferred to tribal government accounts in 2020 relative to the same period of 2019. That's basically that to encapsulate all of that as we thought through this for hours. The language in the bill says in a strict interpretation that the 8 billion is to be applied towards costs that are necessary expenditures caused because of COVID-19 that are unbudgeted based on the tribes’ latest budget and occurred between March 1st and the end of the year. That's not perfect language for us. Okay and so to seize on the intent of Congress and our champions that, that really pushed us in the final hours of this. And, and it was surprising who some of those people were. We were on the phone with offices until about 30 minutes before the Senate took a vote on, okay. Really pushing this. And it turned out that this stabilization package was one of the last things considered, if not the last thing considered, and was hotly debated between the Republican side and the Democrat side and the White person was in McConnell's office all night long while this was going on. And we were hearing that the White House was low balling this. We heard numbers as low as 500 million. But we also heard a billion and that the Senate Democrats and our friends on the Republican side who were pushing this for us at the last minute, specifically Steve Daines and Martha McSally were supportive of a$10 billion fund and it worked out to be $8 billion. But this language as I just interpreted not fuzzy. So, we really need to make sure that when Treasury has their, and everybody has their consultations later this week that they hear from tribal leaders on the fact that what this stabilization fund is supposed to do and that really anything that may have been budgeted in the past based upon revenues that were expected, the fund needs a budget line, items that no longer exist, these revenues don't exist. That any expenditure moving forward is an unbudgeted expenditure. We never expected to have to pay for these things without a corresponding resource. That’s what’s highlighted
and kind of the underlying spirit intent of our letter amongst much debate and consideration to make sure that these agencies understand that any expenditure moving forward couldn't have been anticipated or budgeted given the particular circumstances.

Now on the unemployment insurance stuff that, that chairman Allen talked about. There was a lot of debate and talk about that. And it is certainly something that is front and center on a COVID 4 bill. When that time comes forward Chairman Allen's right that it looks like that, that, you know, based on the language and, and what we're pushing and moving forward, that tribes would be able to recoup that other 50% from the $8 billion. But it's not only tribes in the Northwest, California, state of Wisconsin, all these, if not all of these tribes are reimbursable tribes and the number could be enormous on the tax credit issue. You know, there, there's been a lot of work to clarify that language. Brian can speak to that. He was part of that group in making sure that in this particular case tribes weren't treated like States,. States don't participate in, in the insurance program unless they opt in. There is no specific IRS code that, that says with respect to tribes but, I will say there is an IRS code that speaks to tribal leaders for a tribe asking to opt in the political leaders of the tribe that's section 418A, which to me suggests that well if they have this provision that addresses tribal leaders opting into the program to be treated as employees of the tribe, then all the employees of the tribe or our employees that we'd be covered under this particular provision that would allow the tribe to get providing those tax credits. Well there, there is certainly a work on both those fronts to move forward and keep that going. But I just wanted to weigh in on what we've done in response to this $8 billion package. What we continue to do and what our work group that specializes in the subgroups in this economic and development employment space are working on or are still working around the clock. Thank you.

Terri Parr:
Thank you Kevin. I just want to see if Laura is still with us. Laura has a 10 o'clock call that she has to get on for the health board. So I want to get her in real quickly before you have any questions for Kevin or anything. So go ahead Laura.

Laura Platero (00:45:24):
Sure, I'll go quickly. Hi good morning everyone. I just wanted to give an update from the Northwest Portland Area Indian Health Board and I wanted to let you know, we do have a website that is being updated daily with COVID-19 resources and it's at our website www.npaihb.org/COVID-19 and so that's constantly being updated. Just wanted to share if you have any COVID19 specific questions or requests or TA or anything, Victoria Warren Mears, our Epi Director is basically fielding all calls and she's at (503) 998-6063 and I can maybe put that in the chat box and then my cell number. And I just wanted to share it with you all in case you don't have it as (503) 407-4082. So just to give you an update in terms of numbers in our area we know in Idaho there's 431 cases with eight deaths in Oregon 606 cases with 16 death and in Washington it's 5,212 cases with 212 deaths. We know IHS national numbers are 165 cases with 14 reported for our area so far, but this does not reflect all of the tribes in our area. So we are working with the Portland area IHS office and really trying to get our tribes to complete this information daily so that we can have accurate numbers. And as you know, cases can determine how much funding and resources we get. So just wanted to encourage all of your tribes to please report your data through our epicenter or to HIS. We are working together to make sure there's one set of data. So just wanted to share that.

I also wanted to share we are having our tribal calls at 10:00 AM on Tuesday so it's going to be starting in nine minutes. We also have COVID-19 provider calls for all of our IHS tribal providers in our area who have questions about COVID-19 and treating patients, et cetera. Those have been very successful so far.
We do them every Monday at 12 noon. And then we are doing legislative policy updates, which are also posted to our website. And we just started circling a list of the national and state COVID-19 calls. We know there are a ton of calls and we're trying to keep track of them all and trying to send out information so you have one source with these calls. But we know things get added daily. So just wanted to share, there are some resources to help you be where you need to be and get the information you need. Our executive committee enacted a resolution specific to encouraging our communities and tribal members to stay home. We've been super active on social media and have resources in that area. So please visit our website and our social media pages. These are important messages are we're working on videos targeted to youth and various populations. So that's another resource.

And then I wanted to share an update on CDC funding. So we do know that that first allocation of funding to tribes of the 40 million, we heard that that funding announcement will be made available today. So just wanted to share that and related to the 30 million that is going to tribal epicenters, our epicenter will be applying for those funds. The max that they can apply for is 3.5 million and our plan is to basically submit an application for the maximum amount and distribute it to all the tribes in our area. So I just wanted to share that and let you know that that is what we plan on doing. And so there will be some funds available to you all. And let me see if I'm missing anything. I just wanted to give the big highlights. I think those are the big things right now. Does anyone have any questions for me?

Ron Allen (00:50:07):
So the base numbers that are going out to the tribe is IHS sending it out based on the tribes base. So in order to get it to us timely for tribal funds,

Laura Platero (00:50:25):
Yes, that is, that's our understanding, Ron.

Terri Parr (00:50:33):
Okay. Laura, I just want to comment that last week it I'm not even sure if it was on this call or where the information came from, but they said there was four tribes in the Northwest who are 1803, some kind of umbrella agreement with CDC and that they could apply directly to CDC on their own. As it turns out, they're not eligible because you have to have a tribal enrollment of 40,000 or more. So that cut out all of those tribes.

Laura Platero (00:51:11):
I know that is what's really discouraging about those CDC funds in the criteria that they put in for that, which is why we're going to apply for the maximum amount and make it available to all the tribes in our area. It's unfortunate that those tribes, so that do have those CDC umbrella agreements are unable to apply on their own. We know that with this last allocation of 125 million proceed CDC, I think they're looking at the same funding structure. There's a consultation today, so I don't want to get ahead of myself or misspeak. But it sounded like from what I heard, it potentially could be the same type of structure for those additional funds, but we'll see today. Hopefully that won't be the case.

Ron Allen (00:52:02):
So it'd be helpful if the Board could send a letter to CDC and cc us so we can all object, whether we do it through STAC or NCAI, et cetera, that CDC has been terrible at collaborating with the tribes with regard to the resources that they have available that we should be receiving.
Laura Platero (00:52:27):
Sure. Absolutely. Ron, we can do that.

Terri Parr (00:52:35):
Anything else for Laura? She's going to go jump on her own call.

Leonard Forsman (00:53:17):
Let's move on to the economic relief CARES act update with Chris James and Amber. Sorry, we're going over a little bit.

Chris James (00:53:26):
This is Chris James from the National Center for American Indian Enterprise Development. Thank you so much to the board for allowing me to be part of your call. I also have my team, Chad Marchand, Vice President of the National Center. He's also on the line. I'm going to talk a little bit about some of the economic pieces of the CARE act. Specifically, I won't go over anything that Kevin or Chairman Allan has already shared or any of the provisions on health unless folks want some other information I may have. But I will talk a little bit about some of the work that the National Center has been doing especially in partnerships with the working groups that Kevin has mentioned and us supporting NCAI as well as other efforts throughout Indian country. Specifically on some of the Act; there is something that we as part of the federal reserves lending facility program, there's a $454 billion program through the federal reserve. So we are looking for guidance on how that will be able to support businesses and then States as well as municipalities. So that is one piece of the act that we haven't really talked about today. Under the small business act with the SBA keeping American workers paid and employment act. That is something that we will support our businesses as well as a lot of our enterprises though it's already been noted on the call about the 500 employees and less and also with one of the NCAI working groups we've working diligently on, on the definition of what a tribal business concern is and especially to the SBA of what that definition is to make sure it encompass is all the, all the players that we want to encompass under that. And that is part of the tin that is, that is the, the package to SBA where also businesses can apply for that funding. Now we're still awaiting guidance as Kevin has noted. We're still awaiting guidance of how folks will be able to go. Right now there's already the disaster lending program that SBA set up through phase two of this legislation. So there is disaster money available right now. The guidance is that the, once the banks get the guidance the lending institutions that are already what's called 7A eligible, we'll be able to do the loans directly from the lending institution. So I think that's guidance is still being developed. Some of the lending institutions that I work with, as of yesterday, I have not received any guidance on this, but I, I hope, hope it will come out soon. As soon as we understand how businesses can actually go and apply for the financing we will provide that out as well. We've been working closely with the US chamber of commerce on some of the guidance that they're putting out for small businesses and making sure that all of our networks get those, that information specifically and to keeping American workers paid piece of that. Also in section 2103, there's an emergency or employment relief for government entities and nonprofit organizations. That's also as part of, of what's been discussed. The emergency economic injury disaster loans, which I've already mentioned. Also tribal small business concerns are eligible to access this pool. And we've discussed that of, of the definition of what is a small business concern. That's something we worked at. One other thing through USDA is a rural utility service distance learning, telemedicine and broadband program is 25 million for distance learning and telemedicine program. Funding goes towards capital equipment. So that's that something that tribes
can take advantage of. And then also through USDA, there's 100 million through the Rural Utility Service to reconnect program, broadband loan and grant program under 779. So those are some other initiatives that are going on to help with economic development in our communities. The National Center is also been really concerned about our small businesses as we all are all over the United States. My family has a restaurant on the Eastern band of Cherokee Indian in Cherokee, North Carolina and my dad said, after 55 years are going to have to close our door, they're not in a place, as a lot of our reservation small business are; without that constant steady capital moving into their businesses they just can't stay open. Big question as to how they can get relief so the National Center is putting out as many resources as we can to help support those business and provide information as well as working with our partners on how to assess programs through the federal government. As well as working with some of our other partners, non federal resources on things that they are doing, including CDFIs. I did a call earlier this week with various Chambers of Commerce around the United States, native Pacific chamber of Commerce, and provided some information as well as we talked a lot about some of the stories that they're hearing from the ground. And, of course small businesses in all of our communities are really being affected by this as we see, not only on the news on the national level, but we probably see it you know, hear from our family and friends every day. So being able to help those businesses and getting them through the process if it's applying for desktop loans or if it's going through their banks how they can, what questions to ask their banks, how to work with the banks. We're putting all that information to provide to native owned businesses throughout the country. And I think most everything else has been covered. The national center is here as a partner and a resource for all of you. So I do appreciate your time and I'm happy to discuss any questions you may have.

Leonard Forsmans (01:00:54):

Ray :
Tribal casinos that are under 500 employees; are casinos eligible for the small business loans?

Chris James:
Kevin jump in, I know that you've been working too on the same, the definition, it's all about the tribal business concern definitions. So we have been working with SBA on clarifying that language to see our interpretation is if it is owned by the tribe and it has 500 people or less, it should work. But of course, we were working with SBA on that definition, but Kevin may have some more insight on that.

Ray (01:01:58):
Another question is my understanding that those businesses that have lease payments to the tribe or rent payments to the government, those would be eligible expenditures.

Chris James:
Yes according to the bill, now, the full guidance has not gone to the agencies yet. But those should be as part of the forgivable any type of leases, any type of rent for businesses. Yes.

Ray (01:02:37):
Great. The last one is, and maybe this is a Ron Allen question, the 50% unemployment through the stimulus package. We get billed quarterly. So will that be a seamless process as it is right now the state will only bill us for 50%.

Ron Allen (01:03:01):
There’s a call today, Ray, with the state on this topic. What I would encourage that we ask the state to work with the tribes on deferral of it. As I said earlier, it appears by the opinion of many of our team that we can collect the other 50% from the 8 billion. And so that is an allowable, they think that that's an allowable recovery of money. The point that I had made was that my concern is, is that the tribes use that money for that 50%. It diminishes the 8 billion by a significant number for the other intended purposes. So I don’t know exactly what our strategy should be and Kevin might have some thoughts about that. I know Dante is working on it with NAFOA, as well, but it’s a problem. In my opinion, it’s a problem because you know the need that's out there.

Brian Gunn (01:04:35):
This is Brian Gunn. One thing to consider is that in addition to many Indian tribes, non-profits as well as state subdivisions, including school districts, they're able to have this reimbursement status and many of them have opted to do so also. So when it comes time to start putting pen to paper on the, relief package number four, I suspect that especially the nonprofits will be weighing in to have some more complete fix on this on this a UI issue. So, I mean, is this something to consider strategically, depending on how folks want to proceed with what to ask for, you know, the next package vis-a-vis how that might free up money for the 8 billion?

Kevin Allis:
Yeah. So, let me just step in real quick from what I understand and what I see, and again, this is all going to be a matter of agency interpretation of the law with respect to this. The state is paying the money out at 100%. And then they would bill the tribe quarterly for that amount that they act dollar for dollar what they paid. The state will receive the credit. All right? And then that recoups half of the money that they paid out and they would be billing the tribe the other half. I think that’s how it may work and should be seamless, but it could be something different.

Ron Allen: (01:06:14):
On the SBA loans, and there’s also treasury guaranteed loans. The issue is, helping the tribes to understand how we're going to be able to access him, whether or not that they will turn them around quickly and they've implied that these loans may be forgiven, which is an interesting comment that Treasury's making regarding that matter. And they made a comment this morning that they're collaborating with SBA with regard to that. And with the understanding that some of those loans, and I think they're talking about the SBA loans to defer, ha, do assist in defer existing loan obligations. So we don't end up in defaults or penalty situations with our existing loans for our different operations.

Chris James (01:07:25):
Chairman Allen you know, I, I think you've probably been, and Kevin's been in more discussion with treasury on that side of it than I have. I do understand that that a certain of the small businesses section of the forgiveness loan, I have some of of that information, but most of it I think I would refer to Kevin
on, on some of what. What I'm hearing from SBA though is that again, they're still determining some of the language and still some of the guidance. And so I don't have all the answers to that right now.

Kevin Allis (01:08:10):

Speaking to the tribal business concerns and SBA less than 500 and Chris, you can, the 7A loan program. In this bill tribes are eligible for the small business act 7A, paycheck protection program. 100% federal loan guarantees up to 10 million to cover costs like employee salaries, paid sick leave and medical leave, mortgage rent, employee and health premiums. And that's for entities with less than 548.

Chris James:

Correct. The other question about leasing agreements, that's all rent and leasing agreements. Interest on mortgage obligation occurred by ordinary course of borrower’s payroll costs and borrows with tipped employees, additional wages paid to those employees. And that's those fall into play during the eight week period beginning on the date of the orientation of the loan. So one of the challenges that I think also that some of our seasonal businesses may have is that their season, this is going to affect their season that may be starting in late may, June, July, and August. So you know, showing the impact now and then proving to SBA that this is going to have a long term effect, right now their wages may be half of what you want to or you know, there's expenses and everything for seasonal businesses that we all have in our area, maybe half of what they may be incurring in, in the summer months. So I think that's something too, that banks and as well as SBA will have to make some decisions on the seasonality of those businesses.

Amber Schultz-Oliver (01:10:21):

So I just wanted to add that our priority has been to focus on the small businesses. And we've also been working with tribes to find out how we can be most impactful. And we believe that the best way to get dollars to, especially native small businesses, is through CDFI. And there wasn't any federal funding that was allocated CDFI fund. So we did open up the lines with the regional director at SBA. And it doesn't sound like those dollars are going to be able to flow through CDFI to be able to reach native businesses, but they do want to work with us to make sure that we do get dollars out to hard to reach communities. Also I just want to add that the SBA Regional Director, Jeremy Field has been very generous with his time. And so I think that it would be fine if we asked him once these rules are written to get them on a call like this to be able to answer these questions. I spoke to him on Friday and he gave me some information and then over the weekend that information has changed. So I think that everything's happening sort of in real time and I'm not sure what we can really figure out until the rules are pretty well nailed down and written.

So also I just wanted to talk a little bit about an effort here in Oregon to leverage state and philanthropic resources to pool a fund to support small businesses in Oregon; right now I believe that fund is right around 7 million and they are going to plan on distributing those funds through CDFI. I'm not sure if there's other efforts that are happening like that through Washington or Idaho. So I'm going to try and figure it out. How we can pull more resources together to make sure that native, small businesses in Washington, Oregon are also taken care of. So that's pretty much what I have right now.

Leonard Forsman (01:12:55):
Great. Thank you. Any questions? All right, Kevin, you want to go ahead and fill in whatever blanks might exist?

Kevin Allis:

Well, there's a lot of blanks I'd love to be able to fill in, but we don't know all the answers right now. And a lot's going to develop over the next 10 days with these consultations with Treasury, Interior and IHS and we'll see a lot going on. We've talked about the $8 billion. We talked about the 7A loan program. We talked about unemployment insurance. There are federal education waivers in the bill authorizes the department of education to waive provisions of the elementary and secondary education act that are necessary and appropriate because of COVID-19. All BIA schools including tribal 638 contract schools and tribal 297 grant schools apply. The Special Diabetes Program for Indians has been expanded through November, 2020 at FY2020 levels, that's 150 million per year. IHS funding 1.032 billion in critically needed resources, to support tribal health systems during the pandemic. Chris mentioned the 453 million. That's our Bureau of Indian affairs. That is kind of TPA programs, aid to tribal governments to support welfare assistance and social service programs, expand public safety and emergency response capabilities and also giving some resources to BIA to deal with the logistics and extra costs of teleworking and staffing and overtime associated with getting these resources out quickly. That's good because they've got no excuse now to say we don't have the money to be able to do all this all in a short period of time. They're 69 million for response needs for BIE funded schools, for housing programs there's 200 million, for NAHASDA block grant program, another 100 million, to the Indian community development block grant all in response to COVID-19 received 100 million for that program.

Older American Act, tribal nations, 20 million for the delivery of nutrition services to American Indian, Alaska Native, Native Hawaiian elders, and finally, between 70 and 96 million for Indian child care programs. We're all, some of the other things in there from a very quick high level NCAI put out a couple of releases that kind of cover all these bullet point items. If anybody didn't get them or needs them or is not on our list. Terri and the chairman have our contact information. Happy to get that out to you. One of the comments I was going to say that when, you know, we were communicating with the Hill over the weekend and during the early part of the week and into the final hours, all of this we've heard some conversations about casinos and businesses and all that. The Republicans are pretty hard on us on making sure that this language was crafted in a way, from our intel from the White House, did not want to be able to allow tribes to recover lost profits or to refund or make per capita payments to tribal members. So you know, moving forward working with your legal experts and all that kind of stuff on, once we understand and the guard rails are in place on what are allowable expenditures or not, just be mindful of the way that it's asked for, the verbiage used. So it doesn't look like it's any of those two things because fairly certain it won't get won't get covered.

What did we do last week? Some of you have been on other calls and our town halls to know how NCAI worked with all our partner organizations. And the final number turned out to be 118 government relations professionals on identifying and vetting and fine tuning and pricing every single line item that, needed to be in this bill or considered by Congress in this bill or future bills. We very, very late Friday night sent off three letters to the Hill. It was an enormous list and when it came into our team at NCAI we broke it out into three different buckets; economic development and employment, healthcare, nutrition and education and tribal governance and housing. And then everybody that was involved in this particular project volunteered for these work groups and began to, to figure out what they needed to do with each of those line items. Brian will tell you it broke out in the subgroups on subject matter
experts that had, you know, really nuanced technical experience and knowledge about certain things like the unemployment insurance, the tax credit, this $8 billion and, and similar things happened in some of the other work groups around healthcare, nutrition, tribal governance, and housing. And it all culminated in three letters that many of the national organizations, including ATNI, signed on and then I pushed send, I had all the emails loaded up waiting for all the three letters that come in. The first two came in around six o’clock that night. The last one came in a little before midnight and I was sitting in the embassy in my office all by myself with the ghost. We do have a ghost in the tribal embassy in DC waiting to push out those and, sent out literally hundreds of emails or the push of a button to get those all out. And then everybody had assignments that reached out to ping these offices and make sure they got in. So those three letters, I believe Terri, you should have them and if you don’t we’re happy to provide what they look like. We also built our spreadsheets once the bill was passed, about what was our ask, what was in the bill, what was the delta between the ask and the money we did receive on those line items that were funded and what line items weren’t funded. So we can use that as the template or the roadmap that we’ll chart what we need to look at starting next week that will go in a C4 bill which is slated for probably late April. I do know the Speaker of the House is talking about fast-tracking something sooner. How they do that with everybody gone and possibly the virus getting worse, and no one wanting to get near an airport and, and an airplane. But we will be able to have some time here to put a thoughtful approach on what needs to be plushed up in the next bill; what needs to be fine tuned or corrected because it’s not exactly right in this bill and, and what do we need to push forward that just missed it completely. Or what things made develop in the next 10 days to two weeks that for some reason we didn’t think of before. Or we’re hearing from tribes now that need to be identified. That process has begun. We are just finishing a process today, which has extended through the weekend until the day on all these work groups continuing to work in their lanes, crafting letters and suggesting and strongly advocating to each of the departments and agencies that have received funding or directive in this legislation that they need to push out these letters, talk about how we want them to interpret it. What is the best way to get it out? So we can at this early juncture and in a short period of time, get in their heads what this needs to look like, what this process and procedure needs to look like in getting this money out. This has been and I know all of you as tribal leaders on the ground have been 18 to 20 hour days. It'll continue to be that because really we’re not going to ever see a piece of legislation like this in our lifetime. This is that important and, and we can't miss out on this. And we can't, one of the things that we stressed at NCAI and other organizations is we have to tackle this in a unified voice and not confuse the Hill coming at it from a zillion different directions on what needs to be in there. And we’ve all collectively worked really hard together to do that. I think we have a good solid foundation move forward and any information that we can provide to you, whether or not you're an NCAI member or not at this juncture makes no difference to us. We have to make sure that all 574 federally recognized tribes get a say in this. We get feedback and, and also get the materials that we have available to help tribal leaders.

Leonard Forsman: (01:25:03):
Kevin, are inter-tribal organizations able to receive any money so far?

Kevin Allis: (01:25:16):
We are having conversations with our bankers as we speak. There's certainly going to be money that we will be able to tap based on COVID19.

Leonard Forsman: (01:25:39):
Good. Because the thing is that you just canceled your mid year and I know that's revenue and et cetera, et cetera. I just want to make sure to keep the organization as strong as we can, so if there's opportunities for that, hope you'll pursue them. Okay, is there anything else?

Terri Parr:
First of all, I want to say thanks to Kevin.
Alaina wants to take one minute to give a short Census 2020 update

Alaina Capoeman: (01:26:23):
Oh, you do? Okay, cool. So you got to get the facts, go to response rates, scroll down. Maybe. Hopefully everybody saw the top tribes I posted for the States and Alaska. They're not really applicable because their villages are being interviewed in person and that operation is on hold right now because issues and not wanting to make people more sick up in Alaska. So you hit tribal area and then select the area. It shows all the reservations that are, you can see from that zone. So I'm going to go to a tribe in my state because the rumor is this is the highest response rate in the country for reservations. So congratulations. Puyallup tribe, the 7.6, Nez Perce at 28 is awesome. Oh you can type in up there. I've been scrolling. Okay. I'm not sure who your essential staff is, but if tribes can have somebody reach out to me or Shana we'll be happy to start figuring out how to do online outreach and engagement to get your numbers up and we know funding went out. We know funding still available to help with that effort. April 1st is Census Day, that's the point in time where whoever's in your home on that day should be on your form. So babies especially, we missed a lot of babies in 2010. Anybody that's like a couch surfer just visiting you temporarily should do their own form. I know Quinaultl is doing a online drawing for prizes and people that have sent in their confirmation pages, they have dance paddles, work paddles, eighth gen blankets. They're going to be giving out to tribal members that and then they're going to be rolling those confirmation pages over to next week strikes. They can call that and complete their census or anybody else that doesn't have access to wifi. And so I listed the phone numbers, the website, everything in the notes. Hopefully everybody can see that in the chat box.

Kevin Allis: (01:32:24):
Okay. Thank you. Thank you so much. Take care real quick. This note, no surprise that enumeration is thought. And in, in my last couple interviews with newspapers, news outlets, I've always referred to this and, and addressed the, the crisis that Indian country faces beyond this particular disease or virus because of the virus. And what impact that it could have on the census because we're going to be, we're going to be stuck. You know, we're stuck with, with the T for the next 10 years with, with numbers are the numbers this year. And so tribal leaders across the country and, and we're kind of giving everybody a little time cause we don't want to be tone deaf to what, what what tribal leaders are facing right now with this crisis. Our civic engagement team is still up and running and, and, and we're going to have to work harder than ever and whatever we can do to, to assist tribal leadership in, in getting their folks to fill out these things if they're at home and they have them in the mail and, and get awareness around that because we, we may not be able to make up this last time if, if, you know, and it could be devastating for a very long period of time for us.
Leonard Forsman:
Alania I have a quick question as far as the overall constitutionality issues around the census and when do the last numbers have to be in? So I know the census day is tomorrow. Are they, is there a way they can delay the count? Have you heard anything in that respect? Because I would hope that they would consider that as mitigation for the COBIT impacts.

Alania Capoeman: (01:34:38):
Yes, operations have been pushed back to another two weeks. So right now they're saying April 15th is when they're going to start up, but they keep pushing it two weeks, two weeks, just kind of monitoring what's going on in the communities and across the country. They're saying that, you know, the constitution requires that initally how many people are in the United States by December 31st to the President and they're still working on that goal. It would take, you know, an act of Congress to change that. So that's something they're definitely talking about is when would they go in and ask the government, you extend that deadline.
Initially, the web portal and the phone lines and everything were going to be open through July. Last I heard that still kind of the deadline. They were just pushing back field operations.

Leonard Forsman:
We, there has been an effort to get an intertribal organization letter that Lummi was spearheading to Treasury and I just wanted to let the board know that James and Terri are working on a letter. I think it's going to be hard to find enough common ground between individual tribes and inter-tribal organizations and even within inter-tribal organizations to come up with one letter. But we'll try to do that and if we have enough sync between that we can sign on that other letter. But for now I want to focus on us getting our letter done. On the call yesterday the first draft of the Lummi letter was more about tribal lands and there were a couple tribes weighed in and said their people are kind of distributed around at a larger geographic area. So they felt that was one of the issues. So just a heads up to the board that we'll probably get in a letter out here that we'll need you to respond to very quickly. I think that there's some themes that NCI is kind of laid out in their letter that people can replicate. And then hearing from some of the information we just got from Ron and Chris and others we can incorporate as well. Cause there seems to be primary themes that we want to push that can go into that.

Ron Allen (01:38:07):
Leonard, I saw that draft letter that Henry was advocating and the concern that I would raise is it was trying to emphasize areas that were hit the hardest of by the Corona virus. It's pretty hard to direct resources from the stimulus 3 based on that, because every Area, every tribe is going to impact them differently. And so that is not a very good measure. We empathize with those areas that are hit hard. But it's a moving target. And so that's not going to be a good reference on how to come up with a model that distributes the money out. NCAI is trying to keep everything broader and more inclusive of all tribes. So we really need to go in that direction.

Leonard Forsman (01:39:39):
Yes I believe that is the case too. I think we can state that there are certain tribes that are being impacted right now and need help, but that would be it. I think that's pretty obvious, but we don't know,
like you said, the timing of this is hard to tell exactly who's going to get hit when, so it's pretty rapid. Thanks everybody for the great information.