

In this Issue:

- Update on CRF Litigation – ANCs file petition for certiorari
- Updated Department of Treasury CRF FAQs
- REMINDER: California Truth & Healing Council Nominations Due

REMINDER: Truth & Healing Council Nominations due November 1, 2020

Under Executive Order N-15-19 (<https://tinyurl.com/y53p6g7a>), the Governor's Tribal Advisor seeks nominations for the California Truth & Healing Council. The Council will be made up of 12 voting members, all must be representatives from CA tribes. Non-voting members are may be comprised of CA Native Americans and community leaders. Applicants must complete a form and submit a letter or resolution of support.

Nomination packets can be found at: <https://tinyurl.com/y45a2bnh>.

Nominations due Nov. 1 at 11:59 PM.

Update on Coronavirus Relief Fund Litigation

On October 21, 2020, Alaska Native Corporations (ANCs) filed a writ for certiorari to the United States Supreme Court appealing the Court of Appeals decision. Previously, the D.C. Circuit of Appeals ruled that ANCs were not eligible recipients as “tribal government,” overruling a previous decision by D.C. District Court Judge Mehta. (Previous ruling can be found here: <https://tinyurl.com/y6j62msl>). In the petition for certiorari, the ANCs assert that Congress’ use of “Indian Tribe” as defined by ISDEAA is meant to include ANCs as eligible recipients of Coronavirus Relief Funds (CRF). The petition can be found here: <https://tinyurl.com/y2lxpshb>.

NAFOA writes, “Currently, the CRF covered period ends on December 30, 2020. Without a speedy resolution or extension of the covered period, it is uncertain if the amounts reserved by the U.S. Department of Treasury for ANCs will ever be distributed.” <https://www.nafoa.org/broadcasts>.

The ANC’s statement regarding the petition for certiorari can be found here: <https://tinyurl.com/y6qnkqb2>.

Department of Treasury Issues Updated CRF FAQs

On October 19, 2020, the Department of Treasury issued updated the Frequently Asked Questions for the Coronavirus Relief Fund. This adds updates to the FAQ section from the September 2, 2020 update. The FAQs attempt to clarify allowable uses of the funds in certain instances with the following additions:

A. Eligible Expenditures

57. Public universities have incurred expenses associated with providing refunds to students for education-related expenses, including tuition, room and board, meal plans, and other fees (such as activities fees). Are these types of public university student refunds eligible uses of Fund payments?

58. May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

58. May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

B. Questions Related to Administration of Fund Payments

13. What are the differences between a subrecipient and a beneficiary under the Fund for purposes of the Single Audit Act and 2 C.F.R. Part 200, Subpart F regarding audit requirements?

The updated FAQs can be found at: <https://tinyurl.com/y5plumje>

TRIBAL COVID-19 RESOURCES

For updates on COVID-19 and Resources for Tribal Communities see the following links:

State of California:

A one-stop page collecting information related to COVID-19 can be located at:
<https://covid19.ca.gov/>.

CDSS Tribal Affairs: COVID-19 resources for California tribal communities:
<https://tinyurl.com/y3cjsopy>.

Federal Resources:

A one-stop page for Federal COVID-19 information:
<https://www.coronavirus.gov/>.

Indian Health Service:
<https://www.ihs.gov/coronavirus/>.

Health and Human Services:
<https://www.hhs.gov/coronavirus/index.html>.

Centers for Disease Control: Providing information on how to protect yourself and what to do if you are sick. Also contains the most update-to-date information on the virus and medical news related to the virus: <https://tinyurl.com/rrro9sx>.

Office of the Assistant Secretary for Preparedness and Response:
<https://tinyurl.com/yvos6b28>.

Bureau of Indian Affairs: Includes resources for tribal governments when responding to COVID-19:
<https://www.bia.gov/coronavirus>.

Treasury: For more information on CARES Act funding and distributions.
<https://tinyurl.com/qsnh97g>.

Tribal Specific Webpages with Daily Updates

National Congress of American Indians (NCAI): <http://www.ncai.org/covid-19>.

Tribal Law and Policy Institute (TPLI):
<https://www.home.tlpi.org/covid-19>.

National Indigenous Women's Resource Center (NIWRC) :
<https://tinyurl.com/yyfdhxw2>.

National Indian Child Welfare Association (NICWA): <https://www.nicwa.org/coronavirus/>

National Indian Health Board (NIHB):
<https://www.nihb.org/covid-19/>

Turtletalk: <https://turtletalk.blog/covid-19-tribal-documents/> and <https://turtletalk.blog/tag/covid-19/>.

Native American Financial Officers' Association (NAFOA): <https://tinyurl.com/yyavoevy>.