



MEMORANDUM

March 19, 2020

TO: Tribal Clients

FROM: Gregory Smith

RE: *White House Office of Intergovernmental Affairs' "All Tribes Conference Call: Indian Country COVID-19 Response Team"*

On Wednesday, March 18, 2020, the White House Office of Intergovernmental Affairs held a call titled: "All Tribes Conference Call: Indian Country COVID-19 Response Team." During the call, the Indian Country COVID-19 Response Team shared information and updates and fielded questions from tribal leaders about federal resources and plans.

The Team is comprised of representatives from the Department of Health and Human Services' (HHS) Indian Health Service (IHS), the Administration for Native Americans (ANA), the Department of the Interior's Bureau of Indian Education (BIE), Bureau of Indian Affairs (BIA), including the Office of Justice Services (OJS), and Office of the Assistant Secretary – Indian Affairs (AS-IA), the Department of Veterans Affairs (VA), the Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA), the Department of Education (DOE), the Department of Agriculture (USDA), and the National Indian Gaming Commission (NIGC).

White House Introduction

Tyler Fish, Senior Policy Advisor and Tribal Liaison at the White House Office on Intergovernmental Affairs (WHOIA), introduced all of the federal partners on the Team and their various leadership roles.

Doug Hoelscher, Director of WHOIA, also spoke briefly about the President's "All of America" response to the Coronavirus and COVID-19 (herein referred to generally as COVID-19). He told tribal leaders the Administration will continue to provide guidance and resources, increase flexibility in government response, and remove any regulatory barriers. He encouraged tribal leaders to use the local media as their bully pulpit to expand mitigation activity and disseminate guidance from the Centers for Disease Control and Prevention (CDC).

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Rear Admiral Michael Weahkee, *Acting Director, IHS*

Rear Admiral Michael Weahkee, Acting Director of the IHS, presented for both the IHS and the HHS as lead federal agency for the coronavirus response on the "All Tribes" call. He said the IHS has established a weekly call on Thursdays for tribal leaders and a weekly informational email to be sent out on Mondays. He also said the IHS is working with the National Indian Health Board (NIHB), the National Council of Urban Indian Health (NCUIH), and the National Congress of American Indians (NCAI) to disseminate information as well. Rear Admiral Weahkee stated that all IHS facilities have access to COVID-19 testing at no cost to the patient, and he explained that clinicians will collect samples from patients using swabs and then utilize commercial or other approved testing sites. He said the testing kits are not needed for COVID-19 testing at IHS facilities, as the agency will send the samples to testing labs. He noted this is a nation-wide policy and is not tribal or IHS specific.

He said IHS clinicians will follow CDC guidance on deciding when to administer testing, and, like other clinicians, will have discretion to administer COVID-19 testing. He explained that they will base this decision on (1) local epidemiology, (2) patients' possible exposure to COVID-19, (3) patients' travel history, especially within the past 14 days, (4) and clinical diagnosis of symptoms and illness. For any positive COVID-19 test results, he said, tribes should quarantine the patients and find out possible transmission to their contacts.

Rear Admiral Weahkee said that tribes that have healthcare resource shortages should first contact other regional suppliers and then contact their area offices, which can help tribes gain access to the National Service Center to help expedite deliveries. While the Strategic National Stockpile, which is managed by HHS and the Department of Defense (DOD), is available, RA Weahkee cautioned that it is currently inundated with request. He said the IHS is working on other supply sources and will update tribal leaders on other options during its weekly call on Thursday, March 19, 2020.

Finally, RA Weahkee encouraged tribal use of telehealth, noting that the Centers for Medicare & Medicaid Services (CMS) expanded Medicaid coverage of telehealth services on Tuesday, March 17, 2020, and that HHS will waive the Health Insurance Portability and Accountability Act of 1996 (HIPAA) restrictions and potential violations for using telephone or other telehealth equipment to treat patients. He emphasized the continued need to slow the spread of COVID-19 as the threat to Indian Country remains high.

Tara Sweeney, *Assistant Secretary – Indian Affairs, DOI*

Assistant Secretary Sweeney acknowledged the work of tribal and federal partners so far in responding to COVID-19, and she said that DOI has an emergency management team. She encouraged tribes to work with their BIA regional offices to obtain technical

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assistance, especially with regard to developing emergency management plans. The BIA regional directors will be holding twice weekly calls to share information with tribal leaders, she shared. Assistant Secretary Sweeney said all tribal listening and consultation sessions will be re-scheduled and communications about those decisions will come through Dear Tribal Leader Letters. Assistant Secretary Sweeney stated that DOI will be posting CDC and Office of Management and Budget information about COVID-19 on its website.

During Assistant Secretary Sweeney's presentation, BIE Director Tony Dearman spoke briefly, thanking tribes for their help in the closure of 182 out of 183 BIE schools. All BIE schools have been closed with the exception of one boarding school, he said. He explained that Haskell and Southwestern Indian Polytechnic Institute are currently transitioning to online learning and getting students back home. He said BIE is providing school lunches throughout reservations and tribal communities, either through school cafeterias or setting up drop-off points to prevent large gatherings of students.

Jeannie Hovland, *Commissioner, ANA*

Commissioner Hovland explained that ANA conducts the human services side of HHS, including programs like the Temporary Assistance for Needy Families, the Low Income Home Energy Assistance Program, Head Start, and several other similar programs. She said ANA has been in continuous communication with tribal grantees, figuring out how to keep service delivery going, and will send out more information on ANA's solutions. She said funding is available through all of ANA's programs and that ANA is still offering technical assistance, but she said all in-person sessions have been canceled and ANA is instead establishing online training and applications.

Traci Brasher, *Acting Director, Public Assistance Division, Recovery Directorate, Office of Response and Recovery, FEMA*

Director Brasher said she manages the Public Assistance Program, which is a reimbursement program that helps communities respond to and recover from disasters with federal funding. She said FEMA is directly coordinating with HHS and will assist state, local, tribal, and other eligible entities with the health and safety actions they take in response to COVID-19. Based on the President's national emergency declaration for the COVID-19 pandemic on March 13, 2020, she explained, tribal governments may be a recipient or a sub-recipient for FEMA's public assistance program funding. She said FEMA has outlined the process to request assistance on its website and is developing additional guidance as quickly as possible.

According to Director Brasher, FEMA assistance requires (1) the execution of a FEMA-Tribal Agreement and (2) the activation of an emergency plan. She said FEMA is working on developing materials to more fully explain the process. She said that, under Section 502 of the Stafford Act, eligible emergency protective measures taken to respond

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to COVID-19, at the direction or guidance of public health officials, may be reimbursed under Category B of FEMA's public assistance program. She cautioned that FEMA cannot duplicate assistance provided by HHS, including CDC, or other federal agencies. She said some of those reimbursable activities typically include emergency protective measures, such as activation of emergency centers, law enforcement, and other measures necessary to protect public health and safety.

Director Brasher said tribal governments can express an intent to seek FEMA public assistance by notifying their FEMA regional administrator. Each of the 10 FEMA regions also has a tribal liaison that can coordinate with tribes in that region and provide subject matter experts for technical assistance, she explained.

Bob King, Assistant Secretary for Postsecondary Education, DOE

Assistant Secretary King discussed higher education guidance and recommendations from DOE as applicable to tribal colleges and universities. DOE has two main objectives at the moment, he said. First, DOE is extending grant and reporting deadlines. Second, DOE is waiving regulatory obstacles that will allow campuses to go from traditional on-site classroom learning to online distance learning. He pointed tribal leaders to DOE's website for more information. Importantly, he said, various tribal college and university deadlines for existing grantees' annual performance reports (APRs) are being extended by one week, some to April 16. He also said some reporting data requests are being sent out earlier so as to provide more time for a response, with a current deadline of April 30. He said all award notices will be announced 60 days before the end of the fiscal year to give more planning time before October 1, 2020.

Additionally, he explained, student loans will be impacted by the shift from classroom learning to online learning through the in school status of the loans. To prevent this effect, he said, DOE is waiving regulatory requirements that restrict the implementation of distance learning. He explained that students who are in forbearance on their student loans will have their interest payments waived, and accreditation reviews will be moved to online reviews or delayed. He said financial aid administrators are encouraged to use their judgment (as defined in guidance) to re-calculate the financial aid packages if there is illness or job loss in the family due to COVID-19. Finally, he said, federal work study financial assistance will still be provided to students even if their particular student job is eliminated, as long as the institution is still providing education and still paying their faculty and staff.

Diane Cullo, Director, Office of Tribal Relations, USDA

Director Cullo discussed child nutrition programs, saying that tribal schools should work with state agencies on their non-congregate foods, summer food service sites, and summer options sites, and also for establishing food deliveries to tribal households. She said the Supplemental Nutrition Assistance Program (SNAP) will work

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with tribal organizations operating under the Food Distribution Program on Indian Reservations (FDPIR), and USDA is aware of the need for flexibility and is disseminating relevant information on its website. She said USDA's goal is to alleviate any undue stress and provide waivers to improve flexibility. There was concern this past weekend regarding grocery store availability of foods, she explained, but USDA's two national warehouses and local FDPIR food stocks are fully stocked and prepared for up to three months. USDA will be updating tribal leaders over the next days, weeks, and months, she said, and USDA does not anticipate disruptions to the food distribution program or DOD deliveries.

Thayer Verschoor, Deputy Assistant Secretary, Office of Intergovernmental Affairs, VA

Deputy Assistant Secretary Thayer said the VA is committed to serving its veterans and committed to serving Indian Country, knowing Native people serve at a high rate. Due to COVID-19, he said, many of the VA's March and April events are cancelled, and the VA will re-evaluate in May. The VA has received many questions regarding telehealth and GI bill support, he said, but he suggested contacting the state approving agencies, as they will have the most current and updated information. He explained that the VA has four missions, the first three of which are veterans' health, veterans' benefits, and veterans' cemeteries. However, he said, the VA may move to their fourth mission, which is to help the national effort, including non-veterans, with use and access to VA facilities and resources. Any inquiries into this fourth mission must go through the local HHS manager, he explained, and the decision will be made by the Administration.

Sequoyah Simermeyer, Chairman, NIGC

Chairman Simermeyer said the NIGC is collaborating at the federal and tribal levels and will be posting updates and guidance on its website as the response to COVID-19 continues in Indian Country. NIGC is focused on enforcement of tribes' public health and safety laws, he explained, which is a prerequisite under the Indian Gaming Regulatory Act (IGRA). He said that, should tribes need to close gaming operations due to COVID-19 based on local circumstances, tribes must follow the NIGC's closure checklist as they become aware they may need to temporarily close. He said NIGC staff will be available to assist, and NIGC field offices and headquarters remain available to tribes. NIGC will update any guidance through Dear Tribal Leader Letters, he said.

Question and Answer

Tribal leaders briefly asked questions that dealt with availability of federal funds, especially the disbursement of contract support costs and the disbursement of relief funding through the states. Tribal leaders also asked for more assistance than the FEMA emergency response reimbursement programs provide, which only reimburse at 75

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percent, requiring tribes to cover 25 percent of the emergency response costs themselves. Tribal leaders also asked for clearer contact information for federal members of the COVID-19 Indian Country Response Team, which Mr. Fish said he would make available. He can be reached at (202) 881-9014. He pointed tribal leaders to the President's 15-day COVID-19 plan that was published on Monday, March 16, 2020, and advised that tribes follow its seven principles. Several other questions pertained to issues specific to individual tribes.

Conclusion

Please let us know if you have any questions or need additional information on any of the issues discussed in this report.