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MEMORANDUM

April 24, 2020

To: Tribal Health Clients
From: Hobbs, Straus, Dean & Walker, LLP
RE: IHS Releases Dear Tribal Leader Letter on Final CARES Act Allocations

Yesterday evening, April 23, 2020, the Indian Health Service (IHS) issued a Dear Tribal Leader Letter outlining the final distribution of funding appropriated to the Indian health system under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. 116-136. Under the CARES Act, the IHS received \$1.032 billion to support COVID-19 response efforts within IHS, tribal, and urban Indian health programs. IHS has allocated \$665 million of the \$1.032 billion to date. For the remaining \$367 million, the agency plans to make the following allocations¹:

- \$125 million transfer to the IHS Facilities Account;
- \$20 million to support urban Indian organizations;
- \$50 million to IHS and tribal health programs;
- \$95 million for telehealth expansion across the Indian health system;
- \$2 million for each of the 12 Tribal Epidemiology Centers and \$2 million to support national surveillance activities at IHS Headquarters (\$26 million total);
- \$6 million for public health support activities;
- \$5 million for additional test kits and materials for the Indian health system;
- \$10 million for non-clinical federal staff support (overtime, PPE, telework equipment, and deep cleaning of office space); and
- \$30 million for unanticipated future needs.

IHS explains that the \$50 million for IHS and tribal health programs will be allocated using existing distribution methodologies for program increases in Community Health Representatives and Public Health Nursing. This will be completed pursuant to a unilateral modification of existing Indian Self-Determination and Education Assistance Act agreements allowing for a one-time transfer of non-recurring funds. Contract support costs may also be available, subject to negotiation between the IHS and individual tribal health programs.

¹ IHS notes that the funding levels identified in the Dear Tribal Leader Letter may change depending on the actual costs of carrying out activities under each allocation category.

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Additionally, IHS reports that the Facilities Account allocation of \$125 million will be further sub-allocated for the following purposes: \$74 million for medical equipment; \$41 million for maintenance and improvement; and \$10 million for sanitation and potable water. The IHS will distribute medical equipment and maintenance and improvement funding through existing funding formulas, while funding for sanitation and potable water will be made available on a case-by-case basis through IHS Headquarters.

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If you have any questions or would like further information on IHS funding related to the COVID-19 response, please contact Elliott Milhollin (emilhollin@hobbsstraus.com or 202-822-8282); Geoff Strommer (gstrommer@hobbsstraus.com or 503-242-1745); or Lisa Meissner (lmeissner@hobbsstraus.com or 202-822-8282).