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COVID-19 INDIAN COUNTRY RELIEF

Updated April 8, 2020

EXECUTIVE SUMMARY

To date, three phases of legislation have been enacted to address the COVID-19 pandemic. Below we provide a brief summary of Phases 1–3, followed by sections describing selected programs in more detail. Tribes and tribal organizations are now submitting priorities to Congress for a Phase 4 package, which will focus on technical corrections, increased resources, and a response to on the ground developments. We understand that some Members of Congress and the President are also interested in a Phase 5 package to focus on economic recovery, including investments in infrastructure such as broadband and clean water.

This memorandum contains information current as of April 7. Guidance or implementation may have changed since this document was finalized, as federal agencies implementing these programs are releasing new or clarifying information daily. We will update this memorandum periodically to keep you up to date.

Please do not hesitate to contact us if you have questions or would like assistance with any one of the items listed in the memorandum.

Phase 1, the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), was enacted on March 6, 2020, and provides \$8.3 billion in emergency funding with a focus on vaccine research, medical supplies procurement, and support for public health agencies and small businesses.

- Provides not less than \$40 million in Centers for Disease Control and Prevention (CDC) funding for Indian Country, which CDC later increased to \$80 million.

Phase 2, the Families First Coronavirus Response Act (P.L. 116-127) [hereinafter the "Families First Act"], was enacted on March 18, 2020, and addresses family and medical leave; unemployment insurance; COVID-19 testing; and provides \$3.5 billion in emergency funding.

- Provides \$64 million for the Indian Health Service (IHS) for COVID-19 testing and related services;
- Requires federal medical programs (including the IHS) and private health insurance to cover testing for COVID-19 without imposing cost-sharing;

- Expands and provides flexibility for food assistance programs;
- Addresses Public Health Emergency Leave and Emergency Paid Sick Leave; and
- Funds emergency grants to administer unemployment programs.

Phase 3, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), was enacted on March 27, 2020, and provides \$2.2 trillion in stimulus and emergency funding to respond to the outbreak and its impact on the economy, public health, state and local governments, individuals, and businesses. The CARES Act is organized into Divisions A and B.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

- Establishes an \$8 billion Coronavirus Relief Fund for tribes for increased expenditures related to the COVID-19 public health emergency;
- Provides \$500 billion in liquidity assistance for severely distressed sectors of the economy including eligible businesses, municipalities, and states—the definition of which expressly includes Indian tribes, and for qualifying mid-sized businesses and non-profits;
- Sets aside \$349 billion for small business loans as the Paycheck Protection Program under the SBA's 7(a) business loan programs;
- Provides expanded relief as "employee retention tax credits" for employers subject to closure due to COVID-19;
- Provides for \$10,000 cash advances on Emergency Income Disaster Loans available through SBA directly; and
- Expands unemployment benefits and clarifies that tribes reimbursing states for unemployment claims will be eligible for federal payment of those claims.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

Division B of the CARES Act sets forth emergency appropriations for responding to the COVID-19 outbreak with over \$3 billion allocated to tribes and tribal organizations. The specific amounts of these allocations are set forth in Appendix A of this report. We describe in further detail these emergency appropriations for Indian Affairs in Title II of this report, Indian Housing Programs in Title V, and Food and Nutrition programs in Title VII. For further details on the range of resources provided for Indian Health, see Appendix B of this report.

RESOURCES FOR TRIBES AND TRIBAL BUSINESSES

I. TREASURY DEPARTMENT

A. Coronavirus Relief Fund \$8 billion Tribal Set-Aside

The CARES Act set aside \$8 billion for tribes in Coronavirus Relief Funds, to be distributed by the Treasury Department for increased expenditures related to the COVID-19 public health emergency incurred between March 1, 2020 and December 30, 2020. All funds must be disbursed by April 26, 2020. Treasury has indicated it plans to disburse the funds by April 24, 2020.

In tribal consultations, Treasury has stated that it envisions a process by which:

1. Tribes would receive a share of funds based on a formula;
2. Tribes would spend monies in accordance with the statutory mandate that funds be used for increased expenditures necessary due to the public health emergency; and
3. The Inspector General may then audit tribes at a later date.

Treasury indicated tribes are not expected to have to apply for funds or seek reimbursement. Written comments on allocation and distribution of these funds are due by April 13, 2020 and should be submitted to both consultation@bia.gov and tribal.consult@treasury.gov.

B. Additional Loan Opportunities

1. Severely Distressed Sectors

Title IV of the CARES Act provides assistance to severely distressed sectors, providing liquidity assistance in the form of \$500 billion in loans, loan guarantees, and other investments to eligible businesses, municipalities, and states—the definition of which expressly includes Indian tribes.

The bulk of these funds are for loans or loan guarantees through programs or facilities established by the Federal Reserve Board. Loans issued through these programs or facilities cannot be reduced through loan forgiveness. Eligibility requirements include being U.S. based and accepting restrictions for business entities, such as a ban on stock buybacks or paying out of dividends and a restriction on increases in executive pay.

2. Mid-sized Businesses and Non-profit Organizations

The CARES Act provides that the Treasury Secretary shall endeavor to use some of the funds in Title IV dedicated to liquidity assistance to provide banks and other lenders with funds to loan to qualifying mid-sized businesses and non-profits. No

principal or interest would be due for 6 months on these loans. Eligible entities must have between 500 and 10,000 employees. The applicant would have to make a number of certifications, including that the funds will be used to retain at least 90% of its workforce at full compensation until September 30, 2020; it intends to restore not less than 90% of its workforce that existed as of February 1, 2020; and adhere to restrictions on various items including pay, offshoring, and union agreements.

II. INDIAN AFFAIRS

A. Increased Bureau of Indian Affairs (BIA) Funding

The CARES Act provides \$453 million in additional funding for the BIA. At least \$400 million of this is allocated to meeting the direct needs of tribes. BIA stated that it is aiming to disburse funds, likely through tribal priority allocations, the week of April 6, 2020.

B. Increased Bureau of Indian Education (BIE) Funding

The CARES Act provides two different streams of funding to the BIE, which are to remain available through September 30, 2021, "to prevent, prepare for, and respond to coronavirus":

1. \$69 million in additional funding for the BIE's Operation of Indian Programs account, with \$20 million directed to Tribal Colleges and Universities (TCUs) and the remaining \$49 million for K-12 BIE system schools; and
2. \$153.75 million from the new \$30.75 billion Education Stabilization Fund (the "Fund") at the Department of Education, with the \$153.75 million directed "to the Secretary of the Interior, in consultation with the Secretary of Education, for programs operated or funded by the Bureau of Indian Education."

To date, the Department of the Interior has not issued any notice to initiate consultation on the allocation of these funds or otherwise indicate its plans for distribution.

III. SMALL BUSINESS ADMINISTRATION

The CARES Act sets aside \$349 billion for small business loans as the Paycheck Protection Program (PPP) under the SBA's 7(a) business loan programs. This loan is open to small businesses that employ 500 or fewer workers, including tribal business concerns,¹ 501(c)(3) non-profits, and non-profit veterans' organizations. These loans will

¹ "Tribal business concern" is defined as "a small business concern—(i) that is wholly owned by one or more Indian tribal governments, or by a corporation that is wholly owned by one or more Indian tribal governments; or (ii) that is owned in part by one or more Indian tribal governments, or by a corporation that is wholly owned by one or more Indian tribal governments, if all other owners are either United States citizens or small business concerns." 15 U.S.C. § 657a (b)(2)(C).

be available from participating banks and lenders, not directly from the SBA. Under this program, if the borrower maintains employee levels through the COVID-19 crisis and the loaned funds are spent on eligible purposes, the loans will be forgiven. These criteria are structured so that 75 percent of a loan would be used for employee payroll and related costs, and 25 percent of a loan would be used for other costs like utilities, mortgage interest, rent, and interest payments on debt.

These loans are open to businesses. Tribal governmental operations (such as a tribe's own governing body) are not eligible to apply. Tribally owned businesses and tribal 501(c)(3) non-profits are eligible for the PPP loans, but it appears, according to an [interim rule issued April 2, 2020](#), that SBA will not consider tribal casinos or tribal financial lenders as eligible for this program. SBA's regulations prohibit business loans from going to businesses whose purpose is gaming or that receive one-third of their income from gambling, and it prohibits financial lenders (like payday loan companies) from receiving funds as well. These restrictions are not mentioned in the PPP statutory language, but they are contained in regulations at 13 C.F.R. § 120.110. Efforts to exempt tribal gaming from the exclusion are on-going, but have not yet changed SBA's guidance.

IV. DEPARTMENT OF LABOR & EMPLOYMENT-RELATED TAX ISSUES

The Department of Labor has [issued guidance](#) on the implementation and application of these paid leaves. It is not immediately clear whether tribes must provide this leave as the statute is silent as to tribes, and the Department of Labor has not further clarified that question.

A. Public Health Emergency Leave

Under the Families First Act, a covered employer must provide any employee with Public Health Emergency Leave (PHEL) leave similar to how it does Family Medical Leave Act (FMLA) leave. However, PHEL would kick in for any employee who has been employed at least 30 days (whereas regular FMLA leave requires an employee to have worked at least 1,250 hours and been employed a year before he or she is eligible). Like the FMLA, PHEL is available for up to 12 weeks.

Unlike FMLA, PHEL provides for some paid leave; while the first 10 days of PHEL leave is unpaid, the remaining time an employee is on PHEL is paid leave. During the first 10 days, an employee may choose to use any vacation, PTO, or other leave to replace the unpaid time (though the employer cannot require it). The paid portion of the leave is to be paid at two-thirds of the employee's salary or wage, but such pay is capped at \$200 a day or \$10,000 in aggregate for the whole leave period.

There is only one qualifying circumstance for PHEL: if "the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency." Accordingly, PHEL cannot be used by employees whose place of work is

shut down due to government orders, who are self-quarantining to prevent exposure to COVID-19, who have been told by employers to go home after a possible exposure, or whose employers have voluntarily closed places of work. This leave is limited to employees whose children need care because a school or child care provider is closed or unavailable.

PHEL leave otherwise looks similar to FMLA leave. The PHEL program went into effect on April 2, 2020, and it sunsets on December 31, 2020.

B. Emergency Paid Sick Leave

The Families First Act also requires covered employers to provide Emergency Paid Sick Leave (EPSL) to all employees who are unable to work or telework for various qualifying circumstances as described below, regardless of how much time they have worked for the employer. EPSL is not accrued, it is immediately available to any employee. For full-time employees, employers must provide 80 hours of EPSL, and an amount equivalent for two weeks' worth of hours that a part-time employee would work, on average. EPSL shall not carry over from year to year.

There are six qualifying circumstances that would trigger the two-week EPSL leave:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2);
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; or
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employers must pay leave taken under paragraphs 1–3 above at an employee's full wage or salary, though this is capped at \$511 a day or \$5,110 in the aggregate. For employees taking EPSL for reasons in paragraphs 4–6, the pay is two-thirds of an employee's wage or salary, though it is capped at \$200 a day or \$2,000 in the aggregate. Employees must be paid at least minimum wage under the law's requirements, even when the law allows for partial payment of wages for leave. Employers must provide the Department of Labor notice to employees about the law's provisions.

The EPSL program went into effect on April 2, 2020, and it sunsets on December 31, 2020.

C. Employment Tax Relief

The CARES Act provides expanded relief as "employee retention tax credits" for employers subject to closure due to COVID-19. This appears to be applicable to all employers, including tribes, as it is a partial credit of the employer-share of Federal Insurance Contribution Act taxes, provided they are at least partially shut down and have less than 50 percent of gross receipts for the applicable quarter, compared to the same quarter in 2019. The employee retention tax credit is not available for any employer taking a Small Business Interruption Loan as created by this same law. The bill contains a deferral of payment of some payroll taxes until January 1, 2021. The benefit through tax credits is capped at \$5,000 for the year, per employee.

D. Unemployment Assistance

The CARES Act contains language clarifying that tribes reimbursing states for unemployment claims will be eligible for federal payment of those claims like other employers will receive due to COVID-19 related employment losses. The current language includes provisions directing the Secretary of Labor to tell states to apply maximum flexibility for entities that "reimburse" the state unemployment fund for claims, and providing federal funding for states to refund those entities. These entities include tribes, governmental employers, and some nonprofits.

The legislation greatly expands unemployment benefits in general, with Federal funding for the new coverage for displaced workers. A temporary Pandemic Unemployment Assistance program was created to provide benefits through December 31, 2020 to persons not traditionally eligible for unemployment benefits, such as independent contractors, the self-employed, or persons who previously exhausted unemployment benefits.

Eligibility requires that the person is able and available to work within the meaning of applicable state law. The person must then self-certify that he or she is unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19-related reason, including:

- Being diagnosed with COVID-19 or experiencing symptoms while seeking a diagnosis;
- Having a household member diagnosed with COVID-19;
- Providing care for a family or household member with COVID-19;
- Being the primary caregiver to a child or other person who is unable to attend school or another facility due to COVID-19 closure;

- Being unable to reach a place of employment due to quarantine as a result of COVID-19 or after being advised by a health care provider to self-quarantine due to COVID-19;
- COVID-19 resulting in being unable to begin a job that was scheduled to start;
- Becoming the breadwinner or major support for a household whose head has died as a result of COVID-19;
- Having to quit employment as a result of COVID-19;
- Having a place of employment closed as a result of COVID-19; or
- Meeting additional criteria established by the Secretary of Labor.

DOL has published [Pandemic Unemployment Assistance Guidance](#) with additional information about how the program will operate.

V. HOUSING & URBAN DEVELOPMENT

A. Indian Housing Programs

The CARES Act provided an additional \$300 million in funding for Indian housing programs.

No less than \$200 million of this is for the Native American Block Grants program authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA). Funds will be allocated using the same formula used for the FY 2020 Indian Housing Block Grants, and the CARES Act provides these funds shall be used by recipients "to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus," and may be used "to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred prior to the date of enactment of this Act." The HUD Secretary is given authority to waive applicable requirements.

Up to \$100 million is provided for tribes under the Indian Community Development Block Grant program, which must be used to prevent, prepare for, and respond to coronavirus, for emergencies that constitute imminent threats to health and safety. As this is a competitive program, the HUD Secretary is required to "prioritize, without competition, allocations of these amounts for activities and projects designed to prevent, prepare for, and respond to coronavirus." No more than 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration. The HUD Secretary is given authority to waive applicable requirements.

B. Office of Native American Programs

HUD's Office of Native American Programs (ONAP) has established a website providing relevant information for tribal housing programs during the COVID-19 pandemic. Both the Office of Public and Indian Housing (PIH) and Office of Multifamily Housing followed suit. These documents and continually updated information may be found at <https://www.hud.gov/coronavirus>. ONAP is coordinating with the National American Indian Housing Council (NAIHC) to better assist tribes and grantees.

ONAP provided the following guidance to tribes:

- Tribes will not be required to evict tenants for non-payment of rent during COVID-19. ONAP encouraged grantees not to carry out such evictions using the flexibility in the Section 184 program, and iterated that no tribes or Tribally Designated Housing Entities (TDHEs) should be concerned about HUD will make a finding against them for not evicting a tenant for failing to pay rent.
- Grantees should review Section 184 loss mitigation options, and implement them. ONAP sent mortgagee [letters](#) to Section 184 Program lenders reminding them of the loss mitigation program options. Housing stability remains HUD and ONAP priority, especially during the COVID-19 outbreak.
- Flexible interpretations for program requirements and standards will apply during COVID-19, with the priority being the health and safety of staff and residents. Routine inspections and maintenance should be delayed.
- Audit submission deadlines will be extended for COVID-19. Initially, all grantees with fiscal years ending before June 30, 2020 under the Single Audit Act deadlines, will be automatically extended by 6 months for those audit deadlines due to OMB guidance. In addition, extension authority has been delegated down to the ONAP area offices to grant 30-day extensions.
- ONAP has provided [guidance](#) on eligible activities to support COVID-19 response for grantees to use ICDBG funds for buildings and improvements, business assistance, public services, and technical assistance.

ONAP has issued an [COVID-19 FAQ](#). PIH has also issued a [COVID-19 FAQ](#).

Additionally, PIH published a [letter](#) announcing postponement of Real Estate Assessment Center (REAC) inspections. The letter stated that HUD quality assurance inspectors may conduct inspections if there are exigent circumstances or reason to believe there is a threat to life or property specific location, and provided links to websites to host FAQs for both PIH and HUD's Federal Housing Administration (FHA) Office of Multifamily Housing Programs ("Multifamily Housing").

VI. FEDERAL EMERGENCY MANAGEMENT AGENCY

A. Emergency Assistance

On March 13, 2020, the U.S. President declared a national emergency due to the pandemic and pursuant to section 501(b) of the Stafford Act, 42 U.S.C. § 5191(b). The emergency declaration authorizes FEMA to provide 75% reimbursement assistance through its Public Assistance Program for [eligible expenditures](#). Individual and household assistance is not available pursuant to the emergency declaration.

Tribes do not have to seek any additional emergency declaration in order to access FEMA's Public Assistance Program. Tribes should follow the steps outlined in FEMA's [Fact Sheet](#). If tribes wish to be a [direct recipient](#) of funds, they need to notify their FEMA Regional Tribal Liaison. If they wish to be a [subrecipient](#) and receive funds through their state, then they should coordinate with their state as soon as possible and inquire about any state-imposed deadlines.

B. Disaster Assistance

Separately, a tribe may also request a major disaster declaration. A disaster declaration has the potential to provide assistance through FEMA's Individual Assistance Program, which is not otherwise available via the emergency declaration.

VII. US DEPARTMENT OF AGRICULTURE

The Families First Act provided USDA with increased flexibility regarding Food and Nutrition Service (FNS) programs. It also appropriated an additional \$500 million for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and an additional \$400 million for the Commodity Assistance Program.

The CARES Act subsequently appropriated \$15.8 billion for the Supplemental Nutrition Assistance Program (SNAP) to prevent, prepare for, and respond to coronavirus, of which \$100 million is for the Food Distribution Program on Indian Reservations (FDPIR). Of this \$100 million, \$50 million is for facility improvements and equipment upgrades and \$50 million is for the costs relating to additional food purchases.

FNS has approved a series of waivers for child nutrition programs to ensure that student have access to meals that they would otherwise have received at school. USDA is also granting waivers to states to allow for issuance of emergency allotments for the Supplemental Nutrition Assistance Program (SNAP). More information is available on USDA's FNS [COVID-19 webpage](#).

CONCLUSION

Please contact us for additional information or for assistance in accessing the resources summarized in this memorandum.

APPENDIX A: SUMMARY OF RELEVANT FUNDING TO AGENCIES IN DIVISION B OF THE CARES ACT

Division B of the CARES Act sets forth emergency appropriations for responding to the COVID-19 outbreak with over \$3 billion allocated to tribes and tribal organizations.

- \$300,000 appropriated for Assistance to Fishery Participants available until September 30, 2021
 - Includes assistance for Tribal subsistence, commercial, and charter fishery participants, which may include direct relief payments and assistance for tribes, persons, and fishing communities; and
 - Begins when fisheries have incurred losses greater than 35% as compared to prior 5-year average or there are any negative impacts to subsistence, cultural, or ceremonial fisheries.
- \$15.81 billion in additional funding for the Supplemental Nutrition Assistance Program available until September 30, 2021, of which
 - \$100 million is for the Food Distribution Program on Indian Reservations
 - \$50,000,000 shall be for facility improvements and equipment upgrades; and
 - \$50,000,000 shall be for the costs relating to additional food purchases.
- \$453 million in additional funding for Bureau of Indian Affairs Operation of Indian Programs until September 30, 2021, of which
 - Not less than \$400 million shall be available to meet the direct needs of tribes; and
 - Funds may be available for distribution through tribal priority allocations for tribal response and capacity building activities.
- \$69 million in additional funding for Bureau of Indian Education Operation of Indian Education Programs until September 30, 2021, of which
 - Not less than \$20 million shall be for tribal colleges and universities.
- \$1.032 billion in additional funding for Indian Health Services until September 30, 2021, which includes
 - A maximum of \$65 million for electronic health record stabilization and support;
 - \$450 million shall be distributed through IHS directly operated programs and to tribes and tribal organizations under ISDEAA and through contracts or grants with urban Indian organizations under title V of the Indian Health Care Improvement Act; and
 - \$125 million may be transferred to and merged with the "Indian Health Service, Indian Health Facilities" appropriation at the discretion of the Director.

- \$4.3 billion in additional funding for Department of Health and Human Services Centers for Disease Control-Wide Activities and Program Support available until September 30, 2024, of which
 - Not less than \$1.5 billion shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, of which
 - Not less than \$125 million shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes.
- \$15 million tribal set-aside within Health Resources and Services Administration's (HRSA) rural communities grant programs;
- \$78,000 in additional funding for the Institute of American Indian and Alaska Native Culture and Arts Development available until September 30, 2021.
- \$425 million in additional funding for SAMHSA Health Surveillance and Program Support available through September 30, 2021, of which
 - No less than \$15 million for SAMHSA Health Surveillance Program allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral service providers to tribes.
- \$27 billion in additional funding for the Public Health and Social Services Emergency Fund available until September 30, 2024, of which
 - No less than \$15 million shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes.
- \$300 million in additional funding for Indian housing programs available until September 30, 2024, which includes
 - No less than \$200 million for Native American Housing Block Grants program authorized under NAHASDA
 - Up to \$100 million in grants for tribes under the Indian Community Development Block Grant program
- \$50 million in grants for the Institute of Museum and Library Services available until September 30, 2021
 - No set tribal allocation, but matching fund requirements are waived for these grants; and
 - Grant funds shall be used to expand digital network access, purchase internet accessible devices, and provide technical support services.
- \$3.5 billion in additional funding in Payments to States for the Child Care and Development Block Grant available until September 30, 2021
 - This supplements, not supplants State, Territory, and Tribal general revenue funds for child care assistance for low-income families; and
 - It also applies to child care for health care workers, sanitation employees, emergency workers, and other workers deemed essential without regard to income eligibility requirements.
- \$1.25 billion in additional funding for Public and Indian Housing, Tenant-Based Rental Assistance available until expended.

- \$30.75 billion in allocations for the Education Stabilization Fund available through September 30, 2021, of which
 - Programs operated or funded by BIE may receive one-half of one percent of the amount allocated to the Fund (approximately \$153,750,000).
- \$850 million for Department of Justice Grants, Byrne JAG, to assist state, local and tribal officers in responding to COVID-19. No match is required. Funds will support criminal justice needs related to COVID-19, including overtime for officers; personal protective equipment, and supplies; and medical needs and other supplies for inmates in tribal prisons, jails, and detention centers.
- \$200 million for the Federal Communications Commission to support the efforts of health care providers to address COVID-19 by providing telecommunications services, information services and devices necessary to enable the provision of telehealth services.



APPENDIX B: INDIAN HEALTH CARE INFOGRAPHIC

GUIDE TO FEDERAL CORONAVIRUS STIMULUS FUNDING AND PROGRAMS FOR TRIBAL HEALTH PROGRAMS

APRIL 8, 2020

STIMULUS #1: THE CORONAVIRUS PREPAREDNESS AND RESPONSE SUPPLEMENTAL APPROPRIATIONS ACT

March 6, 2020. Provided \$8.3 billion in emergency response funding with a focus on vaccine research, medical supplies procurement, and support for public health agencies and small businesses. The bill provided not less than \$40 million in CDC funding for Indian Country. CDC increased it to \$80 million.

STIMULUS #2: THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

March 18, 2020. Provided \$3.5 billion in upfront funding, including \$64 million for the IHS for COVID-19 testing and related services.

STIMULUS #3: THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT

March 27, 2020. Provided \$2.2 trillion in overall funding, including \$1.032 billion for the IHS, of which not less than \$450 million was set aside for distribution through tribal shares and contracts with urban Indian health programs, \$65 million was set aside for electronic health record stabilization and support, and \$125 million is eligible for transfer to the IHS Facilities account.

Also included the following tribal set asides: \$125 million within the CDC; \$15 million from the HHS Public Health Service and Social Services Emergency Fund; \$15 million from SAMHSA Health Surveillance and Program Support Resources; and \$15 million within HRSA's rural communities grant programs.

INDIAN HEALTH SERVICE AND TRIBAL FUNDING

\$64 million in Stimulus #2 funding: Funds have already been distributed to tribes through existing Title I and Title V contracts.

\$1.032 billion in Stimulus #3 funding: At least \$450,000,000 to Title I and Title V Tribes. \$125,000,000 for facilities, \$65 million for health IT.

IHS is making funding available in two phases through existing funding agreements, and will negotiate Contract Support Costs after it has made the first award.



GUIDE TO FEDERAL CORONAVIRUS STIMULUS FUNDING AND PROGRAMS FOR TRIBAL HEALTH PROGRAMS

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CENTER FOR DISEASE CONTROL TRIBAL SET ASIDE FUNDING

The CDC made a total of \$80 million available for tribal health programs in response to the coronavirus out of the first stimulus bill. Of that total, \$30 million went to regional health care organizations and two large tribes with existing CDC grants, and \$10 million went to the National Indian Health Board and the National Council of Urban Indian Health.

There is \$40 million remaining that is available to tribe through a notice of funding opportunity on Grants.gov. Awards will be made on a rolling basis. To apply, go to <https://www.grants.gov/web/grants/search-grants.html?keywords=CDC-RFA-OT20-2004>

\$125 million CDC funding from Stimulus #3. No application available yet.

HEALTH RESOURCE SERVICES AUTHORITY (HRSA)

\$15 million tribal set aside. No funding mechanism yet.

SUBSTANCE ABUSE MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)

\$15 million tribal set aside. No funding opportunity yet. Grants available, due April 10, 2020.
<https://www.samhsa.gov/grants/grant-announcements/fg-20-006>.

OTHER HEALTH FUNDING FROM TREASURY

\$100 billion for eligible health care providers to respond to coronavirus, including facilities construction: Tribes working to clarify Indian health care providers qualify. Guidance forthcoming.