



Congress of the United States
House of Representatives

May 6, 2020

The Honorable Nita Lowey
Chair
House Committee on Appropriations
Washington DC, 20515

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
Washington DC, 20515

Re: Congressional Native American Caucus: COVID-19 House Emergency Package

Dear Chair Lowey and Ranking Member Granger:

As you prepare the fourth supplemental appropriations package to address the impacts of the COVID-19 virus, we write on behalf of the Congressional Native American Caucus to urge you to include tribal priorities. While Indian Country has been included in past supplementals, there is still much work to be done. It is imperative that the requests of American Indians and Alaska Natives (AI/ANs) are thoroughly considered in the preparation of this package to reflect the needs of all 574 federally recognized Native Nations and 41 urban Indian organizations (UIOs) in furtherance of the federal trust responsibility.

We have had an overwhelming amount of concerns reach our offices from Indian Country over the past several weeks on these specific issues, and the Caucus is highly supportive of the attached priorities outlining both the economic and health issues. The inclusion of these urgent recommendations is imperative to support both tribal revenues, loan programs, and health initiatives during the COVID-19 pandemic.

Thank you for considering these requests and we appreciate your efforts in supporting tribal issues in the past, as well as your continued work to address the epidemic that is sweeping our country. If you have additional questions, please reach out to either Heidi Todacheene (Heidi.Todacheene@house.mail.gov) in Rep. Deb Haaland's office or Joshua Jackson (Joshua.Jackson@mail.house.gov) in Rep. Tom Cole's office.

Sincerely,

Deb Haaland, Co-Chair
Congressional Native American Caucus

Tom Cole, Co-Chair
Congressional Native American Caucus

Congressional Native American Caucus
Rep. Deb Haaland (NM-01) & Rep. Tom Cole (OK-04)
Indian Country Priorities for CARES 4

ECONOMIC RELIEF— Coronavirus Relief Fund (CRF) Tribal Set-Aside

- CRF Tribal Set-Aside amount of a minimum of 5.33% of the total amount awarded to state and local governments
 - This needs to include flexibility to use funding for lost revenues and be retroactive.
 - Citation: Section 5001 of the CARES Act for tribal, state, and local governments
- Notes: CARES Act original request was a \$20 billion inclusion under the CARES Act, but ended up at \$8 billion out of \$150 billion, which has still left tribal governments behind.

STATUTORY LANGUAGE CHANGES— Coronavirus Relief Fund & SBA Paycheck Protection Program

- **Coronavirus Relief Fund:** Title V, Sec. 5001 of CARES Act
 - A new Title VI, Sec. 601 must be added to make clear congressional intent to provide relief of tribal *governments* not tribal corporations or other non-governmental entities. This inclusion is to clarify Congressional intent regarding the eligibility of the prior \$8 billion tribal set-aside for “tribal governments” within Title V.
 - **Definition changes:**
 - The term “Indian tribe” means any individually identified and federally recognized Indian or Alaska Native tribe, band, nation, pueblo, village, community, affiliated tribal group, or component reservation on the list published pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).
 - The term “tribal government” means the recognized governing body of an Indian Tribe.
- **SBA Paycheck Protection Program**
 - All tribal concerns under 500 employees must have access to PPP loans to help preserve their tribal economies and surrounding communities’ economies. A statutory fix is needed to include *all* tribal business concerns (TBC) to clarify eligibility to ensure that: 1) TBCs aren’t subjected to inapplicable HUB zone requirements; 2) TBCs are eligible for Section 7(a) loans; 3) TBCs are exempt from affiliation rules to prevent lender confusion; 4) protect applicants from non-statutory restrictions imposed by lenders; and 5) include community development financial institutions (CDFI) (which include Native CDFIs) as eligible lenders.

HEALTH FUNDING PRIORITIES

- **IHS & Tribally Operated Facilities**
 - \$1 billion - Purchased/referred care
 - \$1.215 billion - Hospitals and clinics
 - \$1.7 billion - Emergency 3rd party reimbursements relief funds for IHS, tribal programs and UIOs.
 - \$85 million - Equipment purchases and replacements
 - Authorize Medicaid reimbursements for Qualified Indian Health Provider Services by amending Social Security Act Section 1905 (a)(2)
 - Provide reimbursements for services furnished by Indian Health Care Providers outside of an IHS or Tribal Facility by amending section 1905(a)(9) [42 U.S.C. 1396d(a)(9)]
- **Urban Indian Health Organizations (UIHOs)**
 - \$161 million - UIHOs as an IHS urban Indian line item
 - Inclusion of H.R. 4153, the Health Care Access for Urban Native Veterans Act
 - IHS-VA MOU fix for UIHOs to participate under Section 405 of the Indian Health Care Improvement Act (25 USC 1645)

- Inclusion of HR 2316, 100% UIHO FMAP Act
 - Applies a Federal Medical Assistance Percentage (FMAP) of 100% with respect to amounts expended as medical assistance for services received through an UIHO under a grant or contract with IHS.

TRIBAL HEALTH INFRASTRUCTURE

- **IHS Health Care Facilities Construction**
 - Funded at \$2.5 billion - including Joint Venture program and funding for construction and equipment
- **IHS Sanitation Facilities Construction**
 - Funded at \$1 billion

TRIBAL BROADBAND— COVID-19 EMERGENCY DEPLOYMENT IN INDIAN COUNTRY

- Tribal lands are the most digitally disconnected areas in the United States, and the BIE has reported that up to 95% of students lack access to wireless services on reservations, which is a compounding issue during this national pandemic. Lack of access to reliable broadband at Indian Health Service (IHS) facilities and tribally operated health facilities has further caused COVID-19 to worsen on tribal lands.
 - FCC to immediately grant emergency special temporary authority to use available and efficient spectrum on tribal lands so Tribes can deploy wireless broadband networks
 - \$300 million funding under the Communities Facilities Grant Program under 3026(a) of the Consolidated Farm and Rural Development Act to help Tribes immediately deploy wireless broadband services on tribal lands and technical assistance.
 - Rep. Haaland & Rep. Cole are introducing the “COVID-19 DISASTER in Indian Country Act” on May 6, 2020 to complement this request.

FEMA COST SHARE WAIVER

- Tribes are unable to meet the federal cost-share requirements during this crisis and a cost-share requirement will significantly delay aid that is urgently needed. Request to waive the 25% cost-share requirement for Tribes as direct recipients of FEMA public assistance, using the President’s waiver authority provided in the Stafford Act for the COVID-19 response.