



Legislative Action Alert

House of Representatives Introduces \$1.5 Trillion Infrastructure Package - Outlines Important Tribal Health Funding

June 22, 2020

Today, the House of Representatives introduced a major, \$1.5 trillion infrastructure package, titled [H.R. 2 - The Moving Forward Act](#). The behemoth bill makes significant and wide-ranging investments into critical infrastructure nationwide including for roads and bridges, transit systems, education, green energy development, broadband, and healthcare.

Overview

While the package was largely developed along party lines, it includes important bipartisan priorities including several Tribal health provisions. Given the extensive list of priorities currently before Congress: including bipartisan action on another COVID pandemic relief package, Fiscal Year (FY) 2021 discretionary appropriations, reauthorization of multiple expiring health programs including the Special Diabetes Program for Indians (SDPI), and pending legislation on policing reform, it remains unlikely that the package as written will be passed by the Republican-controlled Senate. Although the Trump Administration has touted the need for a major infrastructure bill, the *Moving Forward Act* was primarily developed by House Democrats.

Tribal Health Provisions

The Tribal healthcare and public health provisions are itemized below. While this list only outlines the health-specific Tribal provisions, the full package does include many other Tribal provisions including for energy development, transportation, government operations, and economic development.

1) Authorizes \$5 billion from FY 2021 - FY 2025 for the planning, design, construction, modernization, and renovation of IHS and Tribal healthcare facilities.

- Funding would be available for both federally-operated IHS facilities and those operated under contract or compact by a Tribal Nation
- Requires that funds be invested in energy-efficient projects that utilize renewable energy
 - However, it allows for the waiver of this requirement if deemed to increase the overall cost of the project by 25% or if deemed to not be in the public interest.

2) Authorizes \$2.67 billion per year from FY 2020 through FY 2024 for water and sanitation development across the Indian health system

- This was championed in [H.R. 7056](#) from Representative O'Halleran (D-AZ) and Representative Young (R-AK)
- Would fund water and sanitation development in line with the findings and recommendations of the [2018 IHS Sanitation Facilities Construction Report](#).

3) Establishes a baseline 5% set-aside in Tribal funding for the *State Digital Equity Grant Program* and a separate baseline 5% set-aside in Tribal funding for the *Digital Equity Competitive Grant Program*

- Total Tribal set-aside across both grants equals roughly \$62.5 million (\$31.5 million across each grant program)
- Funds are intended to bolster broadband infrastructure and reduce disparities in Internet access

4) Reauthorizes the Indian Reservation Drinking Water Program through FY 2025

- Program is currently set to expire in FY 2022

5) Establishes a 3% Tribal set-aside in infrastructure grants to improve child care safety

- Funds are intended to assist in construction, renovation, or improvement of child care facilities across Tribal communities and in response to needs stemming from the COVID-19 pandemic

6) Authorizes \$1 billion for the Native American Housing Block Grant Program

- Requires that, at a minimum, 10% of funds be used for water and energy efficiency requirements and other strategies to bolster sustainability at the discretion of the Secretary for Housing and Urban Development

Issues and Next Steps

Under the section that would authorize \$5 billion for IHS and Tribal healthcare facilities, the bill includes concerning language that would require public comment before IHS can waive the requirement that new construction

projects be energy efficient. This language around public comment is NOT specific to government-to-government Tribal consultation, and instead would allow public comment from *non*-Tribal stakeholders into agency decision-making. NIHB is working to correct this language so that only government-to-government Tribal consultation is informing and directing IHS decision-making regarding these funds.

Further, while the *Moving Forward Act* includes some important Tribal health provisions, it does not address the full scope of healthcare infrastructure needs across the Indian health system. For instance, according to the [2016 IHS Facilities Report to Congress](#), a \$14.5 billion investment is necessary to fully modernize all existing IHS and Tribal facilities, and construct new facilities authorized under the Indian Health Care Improvement Act (IHCIA). However, the House bill would only invest \$5 billion over five years - significantly below the threshold of need reported by IHS and Tribal Nations.

In addition, the *Moving Forward Act* makes zero direct investments into IHS, Tribal, and urban Indian (collectively I/T/U) systems for modernization and development of a new health information technology (IT) system. Ensuring the Indian health system has a modern, efficient, and interoperable health IT system has been a long-standing Tribal priority, and IHS has publicly stated that its dilapidated health IT infrastructure is adversely impacting the agency's ability to engage in COVID surveillance. In the [FY 2021 IHS Tribal Budget Formulation Recommendations](#) report, Tribal leaders and technical experts identified an initial need for a \$3 billion investment into health IT. Similarly, the House package does not provide meaningful Tribal funding for broadband infrastructure development, despite significant demonstrated need. According to a [2019 Federal Communications Commission report](#), nearly 47% of homes on Tribal lands lack fixed terrestrial broadband at standard speeds.

The House of Representatives is likely to schedule a vote on the *Moving Forward Act* during the last week of June, and is expected to pass it along party lines. As stated previously, the full package is unlikely to garner the bipartisan support needed to pass the Senate. NIHB will continue to monitor the package and provide periodic updates.

For a press release on the bill, [click here](#)

For a section by section of the 2,300 page bill, [click here](#)

For questions on the *Moving Forward Act* or NIHB priorities, contact NIHB Director of Congressional Relations at saazami@nihb.org

