



Congress of the United States  
House of Representatives

July 24, 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: Next COVID-19 House Stimulus Package**

Dear Chair Lowey and Ranking Member Granger:

As you prepare the upcoming supplemental appropriations package to address the ongoing impacts of the COVID-19 virus, we write on behalf of the Congressional Native American Caucus to urge you to include tribal priorities. We have had an overwhelming number 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 for addressing the issues facing Native Nations. The inclusion of these urgent recommendations is imperative to support both tribal revenues, loan programs, and health initiatives during the COVID-19 pandemic.

We respectfully ask that you consider several important provisions including: 1) a set aside for tribes of at least 5.33 percent of the Coronavirus Relief Fund (CRF) total amount awarded to state and local governments<sup>1</sup>; 2) flexibility for tribal governments to use CRF funding for lost revenue, and retroactive application; 3) extension of the CRF deadline for Tribes to December 30, 2022<sup>2</sup>; and 4) a 180-day extension to the FCC's Rural Tribal Priority Window for 2.5 GHz spectrum that is set to close August 3, 2020.<sup>34</sup>

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@house.mail.gov](mailto:Heidi.Todacheene@house.mail.gov) in Rep. Deb Haaland's office or [Joshua.Jackson@mail.house.gov](mailto: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*

<sup>1</sup> See Congressional Native American Caucus request letter to House leadership for CARES 4 (May 6, 2020): <https://drive.google.com/file/d/1L5DIDwAnvdwE3GMnUc5KLXU9MbuVPCnK/view?usp=sharing>

<sup>2</sup> See H.R. 7557, To amend title VI of the Social Security Act to extend CRF payments to Tribal Governments (introduced by Rep. O'Halleran on July 9, 2020): <https://www.congress.gov/bill/116th-congress/house-bill/7557?s=1&r=1>

<sup>3</sup> See FCC Public Notice released by the Commission on December 2, 2019: <https://docs.fcc.gov/public/attachments/DA-20-18A1.pdf>

<sup>4</sup> Also see H.R. 2, *Moving Forward Act*, 116<sup>th</sup> Cong. Subtit. G, § 3170, Extension of 2.5 GHz Rural Tribal Priority Filing Window: <https://www.congress.gov/116/bills/hr2/BILLS-116hr2eh.pdf>



July 20, 2020

The Honorable Mitch McConnell  
 Majority Leader  
 U.S. Senate  
 S-230 U.S. Capitol Building  
 Washington, DC 20510

The Honorable Charles E. Schumer  
 Minority Leader  
 U.S. Senate  
 S-221 U.S. Capitol Building  
 Washington, DC 20510

The Honorable Nancy Pelosi  
 Speaker  
 U.S. House of Representatives  
 H-232 Capitol Building  
 Washington, D.C. 20515

The Honorable Kevin McCarthy  
 Minority Leader  
 U.S. House of Representatives  
 H-204 Capitol Building  
 Washington, D.C. 20515

**Re: Tribal Priorities for COVID-19 Relief Package**

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi and Minority Leader McCarthy:

On behalf of the undersigned American Indian and Alaska Native (AI/AN) organizations, which collectively serve all 574 federally-recognized tribal nations, we write to restate Indian Country’s priorities for the next coronavirus (COVID-19) package.

Tribal nations are on the frontlines of this pandemic and struggling to protect the health, safety, and welfare of their communities as the number of COVID-19 cases continue to rise in Indian Country. Presently, tribal communities have the highest per-capita COVID-19 infection rate in the U.S.,<sup>1</sup> yet they received only .5% of the \$2 trillion in aid provided in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Tribal nations’ vulnerability to COVID-19 is a direct result of the chronic underfunding of the federal government’s trust and treaty responsibilities to tribal nations. To address this immediate

<sup>1</sup> Coronavirus Resource Center, COVID-19 United States Cases by County, Johns Hopkins University of Medicine, <https://coronavirus.jhu.edu/us-map>

disparity and the increasing need, tribal advocates developed response priorities and submitted them to Congressional leadership in Spring 2020. Some of the priorities were included in H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions Act (HEROES)<sup>2</sup> but many more were unaddressed and the need within Indian Country has since grown as the pandemic continues.

Accordingly, we request that the next response package *retain* the tribal provisions in the HEROES Act<sup>3</sup> *and* address the additional unmet critical relief needs identified below. In addition to the specific funding and policy requests outlined below, tribal nations request maximum flexibility in the spending and timeframe for use of new and existing funds; tribal consultation with enforcement mechanisms; transparency in distribution formulas; and mechanisms to facilitate, with tribal consent, inter-agency transfer (to those agencies with current contracts/compacts with tribal nations) and/or expanded direct contracting/compacting with tribal nations.<sup>4</sup>

In conclusion, we urge you to include the following recommendations as you work on a COVID-19 response package to address the growing health, educational, social, and economic crisis within Indian Country.

Sincerely,

National Congress of American Indians  
National Indian Health Board  
National Indian Education Association  
National American Indian Housing Council  
National Indian Gaming Association  
National Council of Urban Indian Health  
National Center for American Indian Enterprise Development  
National Association of Food Distribution Programs on Indian Reservations  
Native American Financial Officers Association  
Native Farm Bill Coalition  
American Indian Higher Education Consortium  
Self-Governance Communication & Education Tribal Consortium  
United South and Eastern Tribes Sovereignty Protection Fund  
Affiliated Tribes of Northwest Indians  
Midwest Alliance of Sovereign Tribes  
Inter Tribal Association Of Arizona  
Intertribal Agriculture Council

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<sup>2</sup> Tribal Provisions Summary, <http://www.ncai.org/Covid-19/indian-country-priorities-for-covid19-stimulus/hr-6800>

<sup>3</sup> National Indian Health Board, Letter Regarding COVID-19 Relief Packages (June 2, 2020), pg. 12 [https://www.nihb.org/covid-19/wp-content/uploads/2020/06/FINAL\\_Senate-Letter\\_-HEROES-Act.pdf](https://www.nihb.org/covid-19/wp-content/uploads/2020/06/FINAL_Senate-Letter_-HEROES-Act.pdf)

<sup>4</sup> Id. pg. 4.

## Tribal COVID-19 Response Priorities

### **Economic Recovery and Employment:**

Tribal governments have experienced significant impacts from COVID-19 and are projected to lose over \$40 billion in critical government revenue as a result of the pandemic. The pandemic has devastated tribal economies resulting in lost revenue which impairs tribal nations' ability to deliver government services and retain employment. To address this, we request: (1) an increase to the tribal set aside in the Coronavirus Relief Fund for only federal recognized tribal governments, flexible use of funds, and extension of the use deadline beyond 2020 due to pandemic mitigation and response measures that will continue into 2021;<sup>5</sup> (2) tribal inclusion in any liability protections;<sup>6</sup> (3) a tribal set aside in the Economic Stabilization Fund;<sup>7</sup> (4) unemployment relief for tribal employers; (5) and relief for tribal fisheries.

### **Health, Education, Nutrition, and Human Services**

*Health:* As the COVID-19 infection rate, and death toll intensifies in Indian Country, the Indian Health Services, tribal health programs, and Urban Indian Organizations (UIOs) need significantly more resources to protect and preserve human life. To address these needs, we request: (1) emergency funding in the amount of at least \$2 billion for Indian Health Service, and at least \$1 billion for critical health infrastructure like sanitation;<sup>8</sup> (2) technical amendments to Medicaid, Medicare, and other programs to address disparate access;<sup>9</sup> (3) enact certain sections of the bipartisan CONNECT to Health Act (S.2741 & H.R.4932), to address telehealth needs in Indian Country;<sup>10</sup> (4) parity for UIOs, including for Federal Tort Claim coverage;<sup>11</sup> and (5) pass the bipartisan Special Diabetes Program for Indians Reauthorization Act of 2019 (S. 3937), with slight changes to the new "Delivery of Funds" language to ensure tribal nations and tribal organizations are able to receive awards through P.L. 93-638 self-determination and self-governance contracts and compacts.<sup>12</sup>

*Education:* As Bureau of Indian Education (BIE) funded schools begin to plan for the 2020-2021 academic year, it is clear that our K-12 schools and Tribal Colleges and Universities (TCUs) do not have the resources and educational infrastructure to ensure a safe return for our students. To

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<sup>5</sup> Inter-tribal Letter to Congress on C-4 Economic & Employment Priorities, (April 30, 2020), Pg.1, 9 [http://www.ncai.org/Covid-19/legislative-updates/Tribal\\_Economic\\_Dev\\_-\\_Employment\\_Priorities\\_-\\_House-.pdf](http://www.ncai.org/Covid-19/legislative-updates/Tribal_Economic_Dev_-_Employment_Priorities_-_House-.pdf)

<sup>6</sup> Inter-tribal Letter to Congress on Liability Protection, (June 15, 2020), [http://www.ncai.org/Covid-19/legislative-updates/Tribal\\_Liability\\_Protection\\_Letter.pdf](http://www.ncai.org/Covid-19/legislative-updates/Tribal_Liability_Protection_Letter.pdf)

<sup>7</sup> Inter-tribal Letter to Congress on C-4 Economic & Employment Priorities, (April 30, 2020), Pg.2, 10 [http://www.ncai.org/Covid-19/legislative-updates/Tribal\\_Economic\\_Dev\\_-\\_Employment\\_Priorities\\_-\\_House-.pdf](http://www.ncai.org/Covid-19/legislative-updates/Tribal_Economic_Dev_-_Employment_Priorities_-_House-.pdf); see also Inter-tribal Letter to Senate Banking Leadership, (June 19, 2020), [http://www.ncai.org/Covid-19/administrative/COVID\\_MLF\\_letter\\_to\\_Sen\\_Banking\\_06-19-2020\\_-002-.pdf](http://www.ncai.org/Covid-19/administrative/COVID_MLF_letter_to_Sen_Banking_06-19-2020_-002-.pdf)

<sup>8</sup> Inter-tribal Letter to Congress on C-4 Health, Education, and Nutrition Priorities (April 15, 2020), [http://www.ncai.org/Covid-19/legislative-updates/FINAL\\_Tribal\\_Orgs\\_Letter\\_re\\_HENHS\\_Priorities\\_fo\\_COVID-19\\_Package\\_4.pdf](http://www.ncai.org/Covid-19/legislative-updates/FINAL_Tribal_Orgs_Letter_re_HENHS_Priorities_fo_COVID-19_Package_4.pdf) (Intertribal Letter, 4/14/2020)

<sup>9</sup> Id. Pg. 15, 19

<sup>10</sup> National Indian Health Board, Testimony before the Senate Committee on Indian Affairs, (July 1, 2020), Pg. 4,5 [https://www.nihb.org/covid-19/wp-content/uploads/2020/06/FINAL\\_NIHB-Testimony\\_SCIA\\_-7.1.20.Covid\\_Hearing.pdf](https://www.nihb.org/covid-19/wp-content/uploads/2020/06/FINAL_NIHB-Testimony_SCIA_-7.1.20.Covid_Hearing.pdf) (NIHB SCIA Testimony 7/1/2020)

<sup>11</sup> National Council of Urban Indian Health, Importance of Extending Federal Tort Claims Act (FTCA) Coverage to Urban Indian Organizations (UIOs) in Response to COVID-19, [https://www.ncuih.org/action/document/download?document\\_id=343](https://www.ncuih.org/action/document/download?document_id=343)

<sup>12</sup> NIHB SCIA Testimony 7/1/2020, Pg. 2

address this, we request (1) investment in broadband access and deployment;<sup>13</sup> (2) at least \$500 million to address critical TCU infrastructure and facilities needs;<sup>14</sup> (3) at least \$65 million in emergency funding relief in Interior's BIE account for critical TCU institutional support<sup>15</sup>; (4) at least \$1 billion in emergency funding to address the backlog of unfunded repairs and renovations at Bureau-funded schools, as defined in 25 U.S.C. §2021(3);<sup>16</sup> and (5) at least \$1.5 billion in direct funding to Bureau-funded schools, as defined in 25 U.S.C. §2021(3) to meet the health, safety, and educational needs of students due to the impacts of COVID-19.

*Agriculture and Nutrition:* The pandemic has impacted the tribal agricultural sector and impacted food systems. Additionally, tribal nutrition needs have grown due to increased unemployment and shortages in rural areas. To address these needs, we request (1) increased emergency funding and removal of administrative barriers for tribal nutrition assistance;<sup>17</sup> and (2) investment in infrastructure for tribal community food systems to address food security.<sup>18</sup>

*Human Services:* As the pandemic continues, an increase in human service resources is vital to the safety and welfare of tribal communities. To address these needs, we request (1) increased funding for the Temporary Assistance for Needy Families (TANF) program;<sup>19</sup> (2) increased funding for AI/AN veteran health;<sup>20</sup> and (3) additional support for Indian Child Welfare Services.<sup>21</sup>

## **Governance and Housing**

The pandemic has drastically reduced tribal government revenues impairing their to provide basic government services at a time when the demand for those very services are growing. Housing needs are particularly increasing because tribal communities experience overcrowded homes at 16 percent, roughly eight times the national average. These inequities have been exacerbated during the pandemic and threaten tribal health and lives as families have difficulty social distancing or quarantining in overcrowded housing. To address these needs we request: (1) increased emergency funding for certain Bureau of Indian Affairs (BIA) tribal programs;<sup>22</sup> and (2) increased emergency funding for the Indian Housing Block Grant and parity for any emergency housing assistance provided to state and local governments.<sup>23</sup>

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<sup>13</sup> Intertribal Letter, 4/15/2020, Pg. 26 - 30

<sup>14</sup> American Indian Higher Education Consortium, Phase 4 Relief Package: Urgent Covid-19 Related Infrastructure & Support Needs (July 8, 2020), [http://www.aihec.org/what-we-do/docs/FY21/1\\_TCU%20Phase%204%20Urgent%20COVID%20Response%20Needs\\_July%208%202020.pdf](http://www.aihec.org/what-we-do/docs/FY21/1_TCU%20Phase%204%20Urgent%20COVID%20Response%20Needs_July%208%202020.pdf)

<sup>15</sup> Id.

<sup>16</sup> U.S. Dep't of the Interior, DOI Maintenance Backlog, Statement of U.S. Department Of The Interior before the House Natural Resources Committee on Exploring Innovative Solutions to Reduce The Department of The Interior's Maintenance Backlog, (March 6, 2018), <https://www.doi.gov/ocl/doi-maintenance-backlog>

<sup>17</sup> Intertribal Letter, 4/15/2020, Pg. 31; see also Native Farm Bill Coalition, Infrastructure for Community Food System Development for New COVID-19 Response Legislation (April 22, 2020), <https://jm4.e6c.myftpupload.com/wp-content/uploads/2020/04/4-22-20-NFBC-COVID-InfrastructureFoodSystems.pdf>

<sup>18</sup> Intertribal Letter, 4/15/2020, Pg. 35

<sup>19</sup> Id., pg. 37

<sup>20</sup> Id., pg. 38

<sup>21</sup> Id., pg. 39.

<sup>22</sup> Inter-tribal Letter to Congress on C-4 Governance and Housing Priorities (April 17, 2020), pg 1-5, [http://www.ncai.org/Covid-19/legislative-updates/HOUSE\\_FINAL\\_Tribal\\_Priorities\\_for\\_Tribal\\_Governance\\_and\\_Housing\\_for\\_CV4.pdf](http://www.ncai.org/Covid-19/legislative-updates/HOUSE_FINAL_Tribal_Priorities_for_Tribal_Governance_and_Housing_for_CV4.pdf)

<sup>23</sup> Id., pg. 5-7.

## **Infrastructure**

From water to broadband, AI/AN communities are disproportionately impacted by insufficient infrastructure. These deficiencies create unsafe health conditions and hinder Indian Country's response and long term recovery from COVID-19. To address these disparities, we request: (1) increased emergency funding for tribal roads, housing, health and education facilities, water and sewer systems, energy; and broadband;<sup>24</sup> (2) technical fixes to remove non-statutory restrictions and matching requirements that pose barriers to accessing existing program funds especially during the economic crisis;<sup>25</sup> and (3) extension of Federal Communication Commissions' deadlines to ensure tribal access to proceedings that address the digital divide. <sup>26</sup>

## **Tribal Homeland Security and Emergency Services**

Tribal nations are the first and often the only responders during emergencies in their jurisdictions for their communities. Despite this role, tribal nations are experiencing insurmountable barriers in accessing Department of Homeland security COVID-19 relief. To address these challenges, we request: (1) removal of administrative roadblocks;<sup>27</sup> (2) increased emergency funding to the tribal Homeland Security Grant Program and creation of new programs to address unmet needs;<sup>28</sup> (3) funding parity with state and local governments;<sup>29</sup> (4) and investment in tribal homeland security and emergency services infrastructure in DHS.<sup>30</sup>

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<sup>24</sup> Inter-tribal Letter to Congress on C-4 Infrastructure Priorities (May 11, 2020), pg. 2-4, [http://www.ncai.org/Covid-19/legislative-updates/C4\\_Tribal\\_Infrastructure\\_Priorities\\_-House-.pdf](http://www.ncai.org/Covid-19/legislative-updates/C4_Tribal_Infrastructure_Priorities_-House-.pdf)

<sup>25</sup> Id.

<sup>26</sup> Id., pg. 17.

<sup>27</sup> Letter to Congress on C-4 DHS and Emergency Services Priorities, (May 26, 2020), pg. 3-4,6, [http://www.ncai.org/Covid-19/legislative-updates/Tribal\\_Homeland\\_Security\\_and\\_Emergency\\_Services\\_Needs\\_and\\_Priorities\\_for\\_COVID-19\\_Phase\\_4\\_-\\_Senate\\_Letter.pdf](http://www.ncai.org/Covid-19/legislative-updates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4_-_Senate_Letter.pdf)

<sup>28</sup> Id., pg. 6,8-9.

<sup>29</sup> Id., pg. 11.

<sup>30</sup> Id., pg. 5, 7,10.