



National
Congress of
American
Indians

National Indian
Health Board



NATIONAL
INDIAN
GAMING
ASSOCIATION



THE NATIONAL CENTER
For American Indian Enterprise Development



February 2, 2021

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

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
S-230 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: COVID-19 Recovery Legislative Proposal

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

This letter is on behalf of the undersigned American Indian and Alaska Native (AI/AN) organizations, which collectively serve all 574 federally recognized AI/AN Tribal Nations. The recommendations outlined in this letter summarize critical funding and policy needs to help protect and prepare AI/AN communities to effectively respond to the ongoing novel coronavirus (COVID-19) pandemic.

As the urgency, infection rate, and death toll of the COVID-19 pandemic intensifies, it is clear that Indian Country needs significantly more resources to protect and preserve human life and address the grave economic impacts resulting from the closure of government operations and tribal enterprises. AI/AN communities are disproportionately impacted by the health conditions that the Centers for Disease Control and Prevention (CDC) notes increase risk for more severe COVID-19 illness, including respiratory illnesses, diabetes, and other health conditions. We support the Administration's inclusions of tribal relief within the proposed COVID-19 Rescue Plan and request the following relief be incorporated into the next legislative package.

In addition to the specific funding and policy requests outlined below, Tribal Nations request maximum flexibility in the spending rules and timeframes 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 of funds to Tribal Nations (through agencies with current contracts/compacts with Tribal Nations) and/or expanded direct contracting/compacting with Tribal Nations.

For your convenience, we have created an abbreviated list to coincide with the specific funding and policy requests found in this letter.

Economic Recovery and Employment

Economic Recovery Pg. 6

- At least \$20 billion in additional direct relief to tribal governments & flexible use of funds
- Provide lending assistance to tribal governments and their enterprises
- Ensure continued tribal access to PPP loans and include tribal governments, enterprises, and Native American businesses in small business relief
- Provide assistance to Native American community development financial institutions and Native American contractors
- \$50 million for tribal fisheries and fishers to address ongoing COVID-19 impacts

Employment..... Pg. 8

- Ensure continued support for tribal employers
- Extend and expand emergency unemployment relief for governmental entities

Education, Nutrition, and Human Services

Health..... Pg. 9

- Minimum \$8 billion directly related to the COVID-19 public health response to the I/T/U system including:
 - Minimum \$1 billion vaccination distribution and implementation
 - Minimum \$250 million in COVID-19 testing
 - Minimum \$200 million for PPE, medical supplies, and the deployment of supplement medical personnel
- Minimum \$1 billion for Native veterans' health through the Veterans Health Administration
- Minimum \$200 million tribal set aside for support of mental and behavioral health programs
- Minimum \$40 million tribal set aside for programs that serve as response to domestic abuse
- Minimum \$3 billion in funds to replenish third party revenue loss in the I/T/U system
- Minimum \$2.67 billion for the construction and improvement of water and sanitation infrastructure for the I/T/U system and Tribal communities
- Extend full (100 percent) Federal Medical Assistance Percentage to Urban Indian Organizations
- Permanently extend waivers under Medicare for the use of telehealth

Education..... Pg. 10

- \$1.5 billion in direct funding to Bureau of Indian Education (BIE) 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
- \$1 billion to address deferred maintenance and failing infrastructure in BIE schools, as defined in 25 U.S.C. § 2021(3)

- Establish a \$24 million Tribal College and University (TCU) IT Service Fund within the USDA-Rural Utilities Service Program
- \$500 million for TCU Deferred Maintenance & Rehabilitation
- Increase TCU portion of HBCU and Minority Serving Institutions (MSI) Education Stabilization Fund to 10 percent and provide a named TCU portion of the BIE Education Stabilization Fund

Agriculture and Nutrition..... Pg. 11

- Implement Farm Service Agency (FSA) borrowers' assistance relief policies to support tribal producers and entities including:
 - Immediately defer all USDA loan principal due for the 2021 and 2022 production years, extend all loans for 2 years, and offer 2 percent interest buy-downs to lenders who offer the same deferrals and extensions to their borrowers
 - Allow the use of FSA Farm Ownership loans to refinance real estate and other debt to aid in recovery from this crisis
- Waive the prohibition on dual use of the Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program Indian Reservations (FDPIR) in the same month

Human Services Pg. 12

- *Tribal Temporary Assistance for Needy Families (TANF):*
 - Appropriate funding in the amount of \$2 billion to the TANF Contingency Fund (TCF) and allow Tribal Nations access to meet the significant needs of Tribal TANF recipients
 - Create and provide \$5 billion to a TANF Emergency Fund similar to the fund created in the American Recovery and Reinvestment Act (ARRA) with a waiver of non-federal contribution for Tribal Nations and flexibility for Tribal Nations to spend in areas specific to each Tribal grantee
- *Veterans:*
 - Include provisions of H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act pertaining to the wellness of AI/AN veterans
- *Indian Child Welfare Services:*
 - Authorize language allowing Tribal Nations to directly access the Social Services Block Grant Program by establishing a 5 percent tribal government set aside in the statute
 - Provide \$30 million for Tribal governments under Title IV-B, Subpart 1 of the Social Security Act
 - Provide \$40 million for Tribal governments under Title IV-B, Subpart 2 of the Social Security Act to be divided as follows:
 - \$20 million to mandatory funding for Tribal Nations
 - \$20 million to discretionary funding for Tribal Nations

Transportation and Housing

Transportation..... Pg. 14

- \$1 billion in additional funding to the Tribal Transportation Program

Housing..... Pg. 15

- \$600 million in additional funding to the Indian Housing Block Grant formula distribution portion, with up to \$150 million withheld for the Indian Community Development Block Grants and Imminent Threat projects that Tribal Nations propose as a direct response to COVID-19 issues in their communities
- \$3.75 billion from the Homeowner Assistance Fund for eligible NAHASDA recipients using the funding allocation for Indian Housing Block Grants to provide urgently needed mortgage assistance to American Indian and Alaska Native homeowners
- \$900 million in additional funding to the Treasury Emergency Rental Assistance Program (ERAP) for payments to Indian Tribes and Tribally designated housing entities (TDHE) for providing short - or medium-term assistance with rent and rent-related costs
- Include direct Tribal eligibility for any appropriations that are earmarked to other general federal housing programs

Tribal Governance & Broadband

Tribal Governance..... Pg. 17

- \$950 million in additional funding for Bureau of Indian Affairs Tribal Priority Allocations programs

Broadband..... Pg. 17

- \$1 billion to Tribal Broadband Connectivity Grants Program and include technical fixes to the program established under H.R. 133

Homeland Security and Emergency Management

Homeland Security and Emergency Management Needs..... Pg. 18

- Reaffirming Tribal Priorities and address roadblocks to emergency services by:
 - Making the 25 percent federal cost share waiver retroactive to Tribal Nations
 - Reversing FEMAS's September 15, 2020, Interim Public Assistance Policy

Thank you for your consideration of the recommendations outlined in this letter. We look forward to working with you to ensure that Indian Country's concerns and priorities are comprehensively addressed, as we respond to the COVID-19 pandemic.

Sincerely,

National Congress of American Indians
National Indian Health Board
National Indian Education Association
National Indian Gaming Association
National Indian Child Welfare Association
National Council of Urban Indian Health
National Center for American Indian Enterprise Development
National Association of Food Distribution Programs on Indian Reservations
Native Farm Bill Coalition
Intertribal Agriculture Council
Self-Governance Communication & Education Tribal Consortium

Association on American Indian Affairs
Great Plains Tribal Chairman's Association
United South and Eastern Tribes Sovereignty Protection Fund
Affiliated Tribes of Northwest Indians
Midwest Alliance of Sovereign Tribes
United Tribes of Michigan

Economic Recovery and Employment

Economic Recovery:

- **At Least \$20 billion in Additional Direct Relief to Tribal Governments & Flexible Use of Funds**

Background: The Coronavirus Relief Fund (CRF), which was established through Section 5001 of the CARES Act, provided a total of \$150 billion in federal fiscal support for Tribal, state, and local governments. The CRF was intended to address the economic devastation governments face due to declining revenues which fund government services. Tribal governments are experiencing significant impacts from COVID-19 and are projected to lose over \$20 billion in critical government revenue as a result of the pandemic. Further, it is estimated that Tribal government-owned enterprises, which constitute the tax base of many tribal nations, sustained 35% revenue losses in 2020 alone. Since Tribal governments lack the traditional tax bases enjoyed by state and local governments, Tribal enterprise revenues often supply most of the funding for government services. Normally, Tribal governments and their enterprises support more than 1.1 million jobs and more than \$49.5 billion in annual wages and benefits for American workers.

The pandemic has drastically reduced Tribal enterprise revenues, which has crippled Tribal governments' ability to provide basic government services at a time when the demand for those very services are growing. These lost government revenues are forcing many tribes to impose budget cuts to the delivery of essential education, health, and public safety services to Native citizens. As a result, the economies and workforces in Tribal and surrounding communities have been gravely impacted by COVID-19. To address this impact on Tribal governments, which serve some of the most socio-economically disadvantaged populations in the United States, the member of the National Congress of American Indians (NCAI) passed Resolution [PDX-20-028](#) which requests (1) at least \$20 billion in direct relief for tribal governments or a proportionate tribal set aside that is not less than 5.33 percent of the entire increased direct relief allocation; (2) flexible use of funds including for lost revenue; (3) reasonable timelines for use of funds that extend beyond 2022 given the ongoing duration of the pandemic to enable recipients to use the funds effectively and efficiently; and (3) direct allocations to tribal governments using the Federally Recognized Tribe List Act.

- **Provide Lending Assistance to Tribal Governments and Their Enterprises**

Background: Tribal governments nationwide remain in declared public health and safety emergencies and have closed government-owned enterprises. The resulting depletion of revenues for Tribal government treasuries is forcing reductions in the delivery of essential government services. Simultaneously, many Tribal governments and their enterprises will face financial pressures and potential defaults due to the lack of government revenue, particularly as the pandemic is projected to last into Summer 2021. Within the CARES Act, Congress expressed support for stabilizing Tribal governments and enterprises by including them in Title IV, which authorized the Federal Reserve and Secretary of the Treasury to make loans and loan guarantees to provide liquidity. Despite Congress' intent, these lending facilities contained restrictions that excluded Tribal governments and their enterprises from accessing this loan assistance.

As a result, NCAI membership passed Resolution [#PDX-20-020](#), which supports the establishment of a Tribal set aside within any new or re-established loan and loan guarantee program. To accomplish

Congress' intent, we request \$25 billion for Tribal debt purchasing, \$30 billion for loan guarantees, and direction to Treasury to create a program that addresses the debt and liquidity needs of Tribal governments and their enterprises.

- **Ensure Continued Tribal Access to PPP Loans and Include Tribal Governments, Enterprises, and Native American Businesses in Small Business Relief**

Background: The Paycheck Protection Program (PPP) and Economic Injury Disaster Loans program have provided critical assistance for tribal business concerns (TBCs) and we strongly support increased funding to these programs. Additionally, H.R. 133 provided for second draw eligibility for employers with less than 300 employees. We ask that TBCs be excluded from this employee restriction because TBCs were largely excluded from the first tranche of PPP funding due to administrative, non-statutory restrictions limiting the types of gaming facilities that were eligible for PPP loans. These restrictions were later lifted after the initial CARES Act PPP funding had largely run. Many TBCs that have 350-500 employees sustain entire rural economies making access to additional PPP essential for maintenance of their payroll and the overall well-being of these communities. Excluding these businesses from a second draw would further disadvantage employers who were subject to disparate access in the first PPP draw. Accordingly, to accomplish Congress' intent to address inequitable access to PPP loans, we ask that TBCs be exempted from the 300 employee limitation for second draw loans.

In addition to PPP and EIDL assistance, Tribal Nations must be included in any new business relief program or in any existing program that may receive increased appropriations such as the State Small Business Credit Initiative (SSBCI). Tribal governments are integral to supporting Tribal businesses and Native American small businesses, and access to relief and recovery is essential for restoring Tribal and dependent non-Tribal economies and workforces.

- **Provide Assistance to Native American Community Development Financial Institutions and Native American Contractors**

Background: The COVID-19 pandemic provides an unprecedented threat to the solvency of Native small businesses, especially for Native Community Development Financial Institutions (NCDIFs) and Native American Contractors (NACs). Native small businesses are critical to the growth and existence of Native small businesses and also provide critical support in federal contracting. During this period of national financial distress, emergency relief and a waiver of program restrictions are needed to enable NACs and NCDIFs to avoid bankruptcy, support their communities and business partners, and aid the national recovery. For the continued reasons set forth in our April 30, 2020 letter, we re-state our asks for support for NDCFI, NACs, and support for Native American businesses within Department of Commerce, the Small Business Administration, and Department of Treasury.¹

- **\$50 Million for Tribal Fisheries and Fishers to Address Ongoing COVID-19 Impacts**

¹ See April 30, 2020 Inter-Organizational letter, [https://www.ncai.org/Covid-19/legislative-updates/Tribal Economic Dev - Employment Priorities -House-.pdf](https://www.ncai.org/Covid-19/legislative-updates/Tribal%20Economic%20Dev%20-%20Employment%20Priorities%20-House-.pdf) (We note two updated asks: (1) Recently enacted Public Law 116-261 permanently waived the non-federal matching funds requirement for NCDIFs receiving NACA Program funding. With tribal nations and TBCs facing additional constraints from COVID-19 responses, it is essential to ensure that the permanent waiver shall apply to all future NACA Program funding; (2) P.L. 116-261 also elevated the Office of Native American Business Development (ONABD) and authorized it a \$2 million stand-alone budget annually, so Congress should now appropriate \$2 million for the ONABD to fulfill its duties which are especially critical to address the pandemic and economic recovery).

Background: Tribal fisheries are vital to Tribal, local, and regional economies and serve as the primary source of income for many families. The pandemic is having grave impacts on Tribal fisheries due to closures and market disruptions. Tribal fisheries contribute significantly to annual fisher income and provide a ceremonial and subsistence food source for use by the community throughout the year. To address this increasing harm, an additional \$30 million is needed for the Tribal set aside under Section 12005 of the CARES Act and H.R. 133 and continue to include Tribal fisheries in the Great Lakes.

Employment:

Tribal governments are often the largest employers in their localities. The COVID-19 pandemic has impacted Tribal governments, businesses, economies, and communities. As the urgency, infection rate, and death toll of the pandemic intensify, Tribal employers must make urgent decisions regarding their workforces, public health, and unemployment costs. To ensure Tribal access to emergency employment and unemployment assistance, we request the following:

- **Ensure Continued Support for Tribal Employers**

Background: Many Tribal employers provided their employees enhanced flexibilities from leave to changed job descriptions under Tribal law during the pandemic to sustain their workforces, and some tribal employers elected to participate in federal tax credit programs. Due to the uniqueness of Tribal workforces as an exercise of tribal sovereignty, we ask that Congress continue to ensure that Tribal governments are not subject to workforce mandates. Instead, as established by the Families First Coronavirus Response Act (FFCRA), the CARES Act, and supporting department policy and procedure, Congress should permit Tribal employers to voluntarily opt-in to any leave program and tax credits, including temporary paid and sick leave and employee retention tax credits. Tribal employers are critical to restoring and rebuilding Tribal workforces, and this mutual goal is best supported by ensuring Tribal employers receive access to assistance at their continued voluntary election.

- **Extension and Expansion of Emergency Unemployment Relief for Governmental Entities**

Background: COVID-19 related closures of Tribal offices and enterprises resulted in layoffs and have impacted Tribal reimbursement-option employers with unforeseen increased costs from state unemployment programs. Many of these employers lack funds to pay these costs due to declining revenues. In response, Congress in the CARES Act and H.R. 133, covered 50 percent of the costs of state unemployment by reimbursement employers, including tribal governments in the CARES Act and H.R. 133. For the continued reasons set forth in our April 30, 2020 letter,² this coverage must be extended to December 31, 2021, and coverage must be increased from 50 percent to 100 percent of costs.

² Id.

Health, Education, Nutrition, and Human Services

Health:

As the COVID-19 infection rate, and death toll intensifies in Indian Country, the Indian Health Service (IHS), Tribal health programs, and Urban Indian Organizations (UIOs) (collectively referred to herein as the I/T/U system) need significantly more resources to protect and preserve human life. To address these needs, the undersigned Tribal organizations support the requests made by the National Indian Health Board in their January 29, 2021 letter.³

- **Minimum \$8 Billion Directly Related to the COVID-19 Public Health Response to the I/T/U System Including:**
 - **Minimum \$1 Billion Vaccination Distribution and Implementation**
 - **Minimum \$250 Million in COVID-19 Testing**
 - **Minimum \$200 Million for PPE, Medical Supplies, and the Deployment of Supplement Medical Personnel**
- **Minimum \$1 Billion for Native Veterans' Health Through the Veterans Health Administration**
- **Minimum \$200 Million Tribal Set Aside for Support of Mental and Behavioral Health Programs**
- **Minimum \$40 Million Tribal Set Aside for Programs That Serve as Response to Domestic Abuse**
- **Minimum \$3 Billion in Funds to Replenish Third Party Revenue Loss in the I/T/U System**
- **Minimum \$2.67 Billion For the Construction And Improvement of Water and Sanitation Infrastructure for The I/T/U System and Tribal Communities**
- **Permanently Extend Waivers Under Medicare for the Use of Telehealth**

Background: During the COVID-19 crisis, telehealth and telemedicine are critical to providing health care services to AI/AN people. Unfortunately, rural Tribal Nations may be unable to provide these services due to the lack of broadband capacity or infrastructure in their area. COVID-19 has dramatically increased the need to connect Medicare patients to their providers through telehealth. This increased need is likely to continue after the national COVID-19 pandemic has passed, particularly for patients in the Indian health system. In addition, as more AI/AN patients become accustomed over time to the telehealth model, it will likely play a more significant role as a mechanism for delivering healthcare well beyond the end of this pandemic.

³ National Indian Health Board Letter to the Honorable Nancy Pelosi on January 29, 2021, regarding COVID-19 Stimulus Health and Public Health Funds to Indian Country, https://www.nihb.org/covid-19/wp-content/uploads/2021/02/NIHB_JAN2021_COVID-stimulus-letter-House.pdf

With the urgent need to maximize telehealth flexibility in response to COVID-19, Tribal Nations strongly urge Congress to permanently extend the existing waiver authority for the use of telehealth under Medicare.

- **Extend full (100 percent) Federal Medical Assistance Percentage to Urban Indian Organizations**

Background: Currently, the federal government reimburses states at a 100 percent rate for Medicaid services provided at IHS and Tribal facilities; this is not the case for services provided UIOs. UIOs are one of the three components of the IHS system, and AI/AN-specific provisions resulting from the trust obligation are routinely intended to apply to the entire IHS system. Allowing UIOs to receive an equal reimbursement for Medicaid services through the full federal share of costs (thereby increasing resources for states) will better ensure these critical health care providers can serve more COVID-19 and non-COVID-19 patients now and it will allow these programs to serve vulnerable AI/AN populations living in urban areas in the future.

Education:

- **\$1.5 Billion in Direct Funding to Bureau of Indian Education (BIE)-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**

Background: The COVID-19 pandemic has exacerbated longstanding educational disparities that directly result from the federal government's chronic underfunding of its trust and treaty responsibilities. As BIE-funded schools continue to move forward in the 2021 academic year, K-12 schools presently do not have the resources and educational infrastructure to ensure a safe return for our students. Increased funding for information technology equipment and remote learning requirements, broadband connectivity and upgrades, professional development and training, mental health and counseling services, personal protective equipment, and student transportation and planning requirements are urgently needed to ensure BIE-funded schools have the resources they need to support the health, safety, and educational needs of students.

- **\$1 Billion to Address Deferred Maintenance and Failing Infrastructure in BIE-funded Schools, as Defined in 25 U.S.C. § 2021(3)**

Background: Prior to the pandemic, the federal government recognized that AI/AN students were being educated in inadequate facilities. For example, the Department of the Interior identified \$629 million in deferred maintenance for BIE-funded education facilities and \$86 million in deferred maintenance for BIE educational quarters, including severely overcrowded classrooms. In addition to the crumbling physical infrastructure, tribal communities disproportionately lack the infrastructure to engage in culturally rich remote education. Increased emergency appropriations are needed to address these infrastructure issues which are impacting access to education during the pandemic.

- **Establish a \$24 Million TCU IT Service Fund within the USDA-Rural Utilities Service Program**

Background: The ongoing pandemic has exacerbated the digital divide and homework gap and underscored the lack of broadband access across Indian Country. To address these deficiencies,

Congress should establish a permanent Tribal Colleges and Universities (TCU) IT Service Fund within the existing USDA-Rural Utilities Service Program. A \$24 million set-aside for TCUs, which are the 1994 Land-grant institutions, is needed to cover ongoing equipment costs, maintenance and upkeep, infrastructure expansion, and IT staffing. If TCUs had adequate funding for IT service and infrastructure support, they would have already put in place many of the community-based mobile hot spots needed to address the “homework gap” on many tribal lands.

- **\$500 Million for TCU Deferred Maintenance & Rehabilitation**

Background: A 2018 study involving 22 TCUs revealed a list of chronic facilities-related needs, including student and faculty housing, classrooms, libraries, and laboratories. The 22 TCUs have an estimated total need of \$332.5 million in deferred maintenance and rehabilitation and need \$558 million to fully implement existing master plans. Extrapolating this to all 35 accredited TCUs, the total current need is \$500 million for Deferred Maintenance/Rehabilitation and \$837 million for the completion of Master Plans.

- **Increase TCU Portion of HBCU and MSI Education Stabilization Fund to 10 Percent and Provide a Named TCU Portion of the BIE Education Stabilization Fund**

Background: Under the CARES Act and The Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), Congress provided 7.5 percent of the Higher Education Fund for TCUs, Historical Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), and other minority-serving institutions. While the overall combined funding provided to the “MSI Community” totaled over \$1 billion under each COVID relief package, Congress allocated funding to each institutional category according to the percentage allocated in FY 2020 appropriations. Using this allocation method limited TCUs to receiving 4.8 percent of the MSI fund, which resulted in \$50.469 million to be split among 35 TCUs under the CARES Act. While the overall funding made available to the MSI community was sizeable, allocation of funding among Minority Serving Institutions (MSI) categories based on FY 2020 appropriations further perpetuates the inequitable funding of TCUs. To support pandemic-related needs of TCUs, a minimum of 10 percent of the overall MSI fund is needed to partially account for past inequities and the growth of new TCUs over the past ten years. The term “Tribal Colleges and Universities,” defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c), should be used to ensure that all TCUs are included in new federal programs and opportunities.

Agriculture and Nutrition:

- **Implement Farm Service Agency (FSA) Borrowers’ Assistance Relief Policies to Support Tribal Producers and Entities Including:**
 - **Immediately Defer all USDA Loan Principal Due for the 2021 and 2022 Production years, Extend all Loans for 2 Years, and Offer 2 Percent Interest Buy-Downs to Lenders Who Offer the Same Deferrals and Extensions to their Borrowers;**
 - **Allow the Use of FSA Farm Ownership Loans to Refinance Real Estate and Other Debt to Aid in Recovery from this Crisis. This Program has no Taxpayer Cost**

Background: While COVID-19 relief provided through congressional funding and USDA have provided payments for losses to agriculture producers, many more are facing increased uncertainty and risks associated with their operating loans as the pandemic continues to impact production and

markets. Farm Service Agency (FSA) borrowers need immediate payment relief to ensure continuity of operations and access to credit, and the proposed provisions will also enable assistance to non-FSA borrowers as well. Providing relief will help stabilize production in Indian Country and all of rural America, and it will further improve the sustainability and resiliency of Indian Country agriculture. These actions will support producers across the country by keeping their production income invested in their local economy, infusing over \$1 billion in deferred principal payments directly into rural and agriculture economies across the country without a substantial cost.⁴

- **Waive the prohibition on Dual Use of the Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program Indian Reservations (FDPIR) in the Same Month**

Background: The current prohibition against using both FDPIR and SNAP in the same month must be temporarily waived. This will allow AI/AN households more food options at a time when it is needed the most, reduce administrative burdens on FDPIR and SNAP staff, and slow the inventory depletion at FDPIR sites. FDPIR sites are seeing increased take rates of food, because people are now taking more items within their allocation out of concern over local food availability. SNAP participants, especially those in rural areas are seeing limited availability of food, coupled with price increases. Providing FDPIR participants with additional SNAP benefits helps address both of these challenges while providing Native households with more options and food benefits at a time when it is needed the most. All FDPIR households should be provided the option to receive SNAP benefits either fitting their need or they should be provided a set amount of \$100 in SNAP each month.

Human Services – Tribal TANF

- **Appropriate Funding in the Amount of \$2 Billion to the TANF Contingency Fund (TCF) and Allow Tribal Nations Access in Order to Meet the Significant Needs of Tribal TANF Recipients**

Background: The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193, as amended) created a \$2 billion TCF to assist states in meeting the need for welfare assistance during periods of economic distress. The TCF was exhausted in the last recession and Congress has appropriated \$608 million per year to it with the fund being spent each year regardless of economic conditions. Unfortunately, Tribal Nations were not included in the statute as eligible for these critical funds, nor were the disproportionate levels of negative socioeconomic indicators in Indian Country considered in the creation of the TFC. Tribal Nations should be able to access the TFC with waivers from the state criteria of economic need, which includes, but is not limited to, increases in the state's unemployment rate formula, and increases in the state's SNAP caseload.

- **Create and Provide \$5 Billion to a TANF Emergency Fund Similar to the Fund Created in the American Recovery and Reinvestment Act (ARRA) with a Waiver of Non-Federal Contribution for Tribal Nations and Flexibility for Tribal Nations to Spend in Areas Specific to Each Tribal Grantee**

Background: In 2009, ARRA created a TANF Emergency Fund which reimbursed 80 percent of

⁴ Intertribal Agriculture Council's Native Farm Bill Coalition Top Priorities for Additional COVID-19 Relief for Tribal Agriculture, January 29, 2021, https://28d595ea-c9bb-4218-87df-a3cbf4d05915.filesusr.com/ugd/d039dc_3ea208615289405490d38dfd9f71c5d1.pdf

increased expenditures as spurred by the 2008 economic crisis. During this period, 25 Tribal Nations and tribal organizations received grants under the Emergency Fund. A similar economic crisis has emerged due to the COVID-19 pandemic.

Tribal Nations, unlike states, do not have sufficient tax bases from which to draw funds to support non-federal contributions, and therefore should be exempt from this requirement.

Human Services – Veterans

- **Include Provisions of H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act Pertaining to the Wellness of AI/AN Veterans**

Background: AI/ANs have a long history of distinguished service to this country. Per capita, AI/ANs serve at a higher rate per capita in the Armed Forces than any other group of Americans and have served in all the nation's wars since the Revolutionary War. Despite this esteemed service, AI/AN veterans have lower personal incomes, higher unemployment rates, and are more likely to lack health insurance than other veterans.

The HEROES Act included several provisions to address the unique needs of tribal veterans, including, but not limited to, increased funding for in-home care, suspension of debt collection for VA fees, and more. Tribal Nations urge Congress to include these provisions and others listed in NCAI Resolution PDX-20-008, in any upcoming legislation.⁵

Human Services – Child Welfare

- **Authorize Language Allowing Tribal Nations to Directly Access the Social Services Block Grant Program by Establishing a 5 Percent Tribal Government Set Aside in the Statute**

Background: Tribal Nations, like state governments, are facing unforeseen challenges resulting from COVID-19. They require creative solutions that support families struggling with a multitude of challenges that cross a variety of governmental service areas. States have depended upon flexible funding sources like the Social Services Block Grant (SSBG) to help them close the funding gaps in other federal and state sources and address community wide crises like COVID-19. Tribal nations need the certainty of funding like the SSBG to address the gaps in funding that comes from having a patchwork of social services funding that typically provides only small amounts of funding and can fluctuate from year to year. Overall, Tribal Nations receive only one percent of all federal social services funding, and yet their citizens represent almost four percent of the United States population and have some of the highest rates of social problems. Only two states share any of their SSBG funds with Tribal Nations, while all states use tribal population numbers to determine their funding levels. Providing direct access to the SSBG would be the most certain method for providing tribal governments with reliable funding from year to year that can meet a broad continuum of community needs, especially during times of crisis.

- **Provide \$30 million for Tribal Governments Under Title IV-B, Subpart 1 of the Social Security Act**

⁵ NCAI Resolution #PDX-20-008: "Ensuring Inclusion of Native American Veterans in Future COVID-19 Legislation", https://www.ncai.org/attachments/Resolution_QqSpQeifGRLTKeQDtVeGxfbVrZSREsdIYFeSczURAAxAirlarLQ_PD X-20-008%20SIGNED.pdf

Background: Title IV-B, Subpart 1 funding supports Tribal Nation efforts to keep families together, which is critical during the response and recovery stage of COVID-19. As more and more families are being placed under stay at home orders, all children, including Indian children, may be at increased risk for child abuse or neglect during the COVID-19 pandemic, especially given the closure of schools and limited availability of routine health care services that are primary reporting sources for child abuse and neglect incidents. The Title IV-B, Subpart 1 program provides funds for a wide variety of child abuse and neglect prevention and intervention services with the largest amounts being spent on child protection investigations, case management for children in foster care, and staff training to improve skills and knowledge.

- **Provide \$40 million for Tribal Governments Under Title IV-B, Subpart 2 of the Social Security Act to be Divided as Follows:**
 - **\$20 million to Mandatory Funding for Tribal Governments**
 - **\$20 million to Discretionary Funding for Tribal Governments**

Background: Title IV-B, Subpart 2 funding supports Tribal Nations efforts to strengthen families so children can avoid the trauma of being removed and placed in foster care, improve family functioning so children can be returned home safely after a removal, and promote permanency for children who cannot be returned home or placed with relatives. COVID-19 has increased the workload of tribal child welfare agencies to monitor and support families during this time of high anxiety and increasing social isolation, which can increase risks for child abuse and neglect. There are additional concerns related to the restrictions being placed on the delivery of services to families, such as in-home services that also factor into increased workload for tribal child welfare agencies as they navigate how to stay compliant with COVID-19 safe practices and adapt to virtual or telehealth services. The Title IV-B, Subpart 2 program funds in-home services that improve parenting skills for families at risk of child abuse and neglect, connect them to other service providers and support systems (*i.e.*, TANF, housing, behavioral health, and nutrition), provide temporary respite care to parents and caregivers, and help tribal agencies secure permanent placements for children who cannot return home safely.

Transportation and Housing

Transportation:

- **\$1 billion in Additional Funding to the Tribal Transportation Program**

Background: Indian Country's road mileage consists of approximately 4,720 miles of gravel, and 17,130 miles of unimproved and earth surface roads. With some of the worst road conditions in America, a wide array of roads, bridges, and other facilities, construction and improvement can immediately increase access to, from, and throughout Indian Country. As Tribal Nations continue to respond to COVID-19, transportation facilities remain essential community infrastructure that directly impacts Tribal Nations' ability to respond to COVID-19 and provide services to their citizens. Poor road conditions in Indian Country make it difficult for essential community service personnel such as police and emergency and medical responders to reach tribal communities and their citizens. The Tribal Transportation Program (TTP) provides funding for tribal transportation and public road access to and within Indian reservations, Indian lands, and Alaska Native Village communities. While H.R. 133 provided \$114.5 million to the TPP, an investment of \$1 billion in funding would support

Tribal Nations in rapidly addressing those transportation facilities critical and necessary to the delivery of essential services to respond to COVID-19.

Housing:

- **\$600 million in Additional Funding to the Indian Housing Block Grant Formula Distribution Portion, With Up To \$150 Million Withheld for the Indian Community Development Block Grants and Imminent Threat Projects Tribal Nations Propose as a Direct Response to COVID-19 Issues in Their Communities**

Background: To directly respond to COVID-19, new funds to tribal housing programs can lead to the quick development of temporary housing for health professionals, and safer assisted living housing for tribal citizens. Tribal communities also see overcrowded homes at a rate of 16 percent, roughly eight times the national average, which inhibits tribal communities from practicing safe ‘social distancing’ techniques that are required by the COVID-19 pandemic. Funding new construction across the board will help alleviate issues of overcrowding. Tribal Nations have the capacity and demonstrated success in the use of similar funding. In 2009, Tribal Nations received \$510 million in stimulus funding, which directly led to the creation of 1,954 new housing units, and the rehabilitation of 13,338 units. Housing and Urban Development (HUD) and Tribal Nations used over 99 percent of the funds that were provided, which surpassed many other programs that received stimulus funding. Additionally, tribal housing programs selected to receive \$200 million in competitive grant funding in December 2019 will be able to build close to 1,200 new units. The Tribal Nations selected and awarded represented only 25 percent of the applications, which demonstrates that Indian Country has shovel-ready projects and great need for this assistance.

- **\$3.75 billion from the Homeowner Assistance Fund for Eligible NAHASDA Recipients Using the Funding Allocation for Indian Housing Block Grants to Provide Urgently Needed Mortgage Assistance to Native American and Alaska Native Homeowners**

Background: In July 2020, leaders of the House Native American Caucus and at least 17 AI/AN organizations, which collectively serve all 574 federally-recognized Tribal Nations wrote to Congress requesting that the next COVID-19 response package retain the tribal provisions in the HEROES Act.⁶ The HEROES act included \$3.75 billion for the homeowner assistance fund for eligible Native American Housing Assistance and Self-Determination Act (NAHASDA) recipients using the funding allocation for the Indian Housing Block Grants. Since then, Congress has not passed any funding that provides direct mortgage assistance to tribal governments. The pandemic has drastically reduced tribal government revenues, impairing their ability to provide basic government services at a time when the demand for those very services are growing. Disproportionate impacts from the pandemic, including job losses and reduction in income, threaten to undo years of advocacy by tribal organizations and federal funding programs to promote increased homeownership in Indian Country. Congress should include this mortgage assistance in the next relief package to provide relief to AI/AN homeowners and promote housing stability in Indian Country. Policies that limit housing precarity have been found to reduce COVID-19 infections by 3.8 percent and reduce deaths by 11 percent.⁷ As

⁶ Letter from the House Native American Caucus, July 24, 2020, p. 3, https://www.ncai.org/Covid-19/legislative-updates/20.7.24 - NA_Caucus_Requests - House_COVID19_Stim_package - merged.pdf

⁷ National Bureau of Economic Research, Housing Precarity & the COVID-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across US Counties, Kay Jowers, Christopher Timmins, Nrupen Bhavsar, Qihui Hu, and Julia Marshall, NBER Working Paper No. 28394, p. 2, (January 2021)

COVID-19 continues to ravage tribal communities, promoting access to safe and affordable housing will save lives.

- **\$900 Million in Additional Funding to the Treasury Emergency Rental Assistance Program (ERAP) for Payments to Indian Tribes and Tribally Designated Housing Entities (TDHE) for Providing Short-or Medium-Term Assistance with Rent and Rent-Related Costs**

Background: Congress should include additional funding to tribal governments to provide rental assistance to their citizens and provide increased flexibility for the ERAP that broadens the allowable costs and include a technical fix that expressly allows tribal governments to assist their citizens regardless of whether they live within IHBG service areas.

- **Include Direct Tribal Eligibility for any Appropriations Related to Other General Federal Housing Programs**

Background: In addition to funding made directly to tribal governments and TDHE's, Congress should expressly include direct tribal eligibility for any appropriated amounts for other general federal housing programs, including homelessness assistance programs, mortgage assistance, and rental/utility assistance. At a time when many Americans are expected to need both mortgage, rental, or utility assistance, Tribal Nations and Native Americans must be included as eligible participants, either through express statutory language or direct set asides to Tribal Nations. As Congress considers funding existing national or state housing programs or creating new programs to address needs stemming from COVID-19 impacts, Congress must recognize that Tribal Nations are ineligible for many existing programs outside of NAHASDA, and that states and local partners often overlook tribal communities due to the existence of NAHASDA. Accordingly, Congress must expressly make Tribal Nations and tribal housing programs eligible entities to access any new funding or create specific set-asides for Tribal Nations to carry out similar housing assistance services provided through any COVID legislation.

Broadband and Tribal Governance

Tribal Governance:

- **\$950 million in Additional Funding for Bureau of Indian Affairs Tribal Priority Allocations Programs**

Background: Decades of neglect, underfunding, and inaction on behalf of the federal government have left tribal governments and their citizens severely under-resourced and at extreme risk during the COVID-19 crisis. In accordance with federal trust and treaty obligations, it is vital that Congress act to provide immediate, substantial support to Tribal Nations to maintain and augment essential government services during this time of national emergency. Failure to support the governmental activities of Tribal Nations will be disastrous for Tribal Nations, Native people, and surrounding communities and will result in an incomplete response to this crisis, affecting the nation at-large. Like all governments across the United States, Tribal Nations are working diligently to immediately respond to the COVID-19 pandemic. The response is ongoing, and the costs associated with it continue to rise.

The CARES Act included \$453 million for BIA Operation of Indian Programs (OIP) funding, but the ongoing and intensifying nature of the COVID-19 pandemic requires additional resources. During implementation of the CARES Act, restrictions on the use of funds trapped certain funding from being used on otherwise eligible COVID relief needs. Tribal governments understand their unique needs best and funds received as part of ISDEAA funding agreements are already subject to annual audit. Less prescriptive legislative text is needed to promote tribal sovereignty and the efficient use of federal tax dollars for COVID relief. Tribal Nations are requesting \$950 million in additional funding for Indian Affairs Tribal Priority Allocation (TPA) programs and TPA-like programs (*e.g.*, Criminal Investigations & Police Services & Detention/Corrections) to fund essential tribal services. Responding to this pandemic is cost-intensive, and it impacts all aspects of tribal governance and life in tribal communities. Congress must ensure Tribal Nations have additional funding for COVID-19 response and recovery activities.

Broadband:

- **An Additional \$1 Billion to Tribal Broadband Connectivity Grants Program and Include Technical Fixes to the Program Established Under H.R. 133**

Background: Access to broadband internet for essential services, communications, and commerce is especially critical during the COVID-19 pandemic. Tribal communities are disproportionately unserved or underserved when it comes to access to high-speed internet. In 2018, the FCC estimated that 35 percent of Americans living on tribal lands lacked access to broadband services, compared to eight percent of all Americans. Funding is needed throughout Indian Country for rapid deployment, adoption, affordability, and access to broadband internet. COVID-19 has changed societal and market behaviors and driven more everyday tasks and activities online. Additional investment into tribal communities is necessary to ensure that tribal communities are not left behind as our education, healthcare, government services, and commerce undergo years of changes in months.

In support of these needs, an additional one billion should be appropriated to the Tribal Broadband Connectivity Grants program established within the Department of Commerce by Congress in H.R. 133. Further, Congress should include technical fixes to this program to ensure the success of the program in serving tribal governments and communities, including: (1) extension for use of funds until 2024 to support infrastructure deployment; (2) clarify existing statutory language relating to the “duplication of funding” and ensure that any definition of “duplication of funding” does not prohibit tribal governments from accessing critical funding from this program on the basis of their receipt of federal funding through another federal broadband funding program; and (3) ensure increased appropriations are available to tribal governments and that tribal sovereignty is recognized by not listing Tribal Nations as an eligible “entity.”

Homeland Security and Emergency Service

- **Reaffirming Tribal Priorities and Address Roadblocks to Emergency Services by:**
 - **Making the 25 Percent Federal Cost Share Waiver Retroactive to Tribal Nations**
 - **Reversing FEMA’s September 15, 2020, Interim Public Assistance Policy**

Background: In 2020 Congress provided an additional \$25 billion for the COVID-19 nationwide emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. While Tribal Nations are grateful for the substantial increase in funding, only fifteen percent of Indian Country, 89 Tribal Nations, have been able to access those funds through the Federal Emergency Management Agency (FEMA).⁸ Tribal Nations are the first and often the only responders during disasters in their jurisdictions. Tribal Nations’ response to the COVID-19 pandemic is no different than how states are responding. Tribal leaders, staff, and citizens are putting their lives on the line daily to help protect both tribal and non-tribal citizens. However, unlike states, Tribal Nations have continued to experience insurmountable challenges in accessing the billions of dollars set aside to support COVID-19 response efforts. Tribal Nations in their May 26, 2020, letters to Congress identified several roadblocks that prevented tribal access to COVID-19 disaster resources.⁹ Those roadblocks continued to exist throughout 2020 and followed into 2021. The identified roadblocks must be removed to allow FEMA disaster resources to reach Indian Country.

Additionally, Tribal Nations urge Congress to make the January 21, 2021, FEMA Public Assistance non-federal cost share waiver retroactive as applied to Tribal Nations.¹⁰ Tribal Nations also urge Congress to affirm the broad scope of Public Assistance under the Stafford Act and reject the September 15, 2020, FEMA Interim Public Assistance Policy, which has severely limited actions that

⁸ Federal Emergency Management Agency, Coronavirus Pandemic Whole-of-America-Response, pg. 2 (Jan. 25, 2020).

⁹ Joint Tribal Letter to Senate Leadership, COVID-19 Legislative Proposal (Phase #4): Tribal Homeland Security and Emergency Services Priorities, pg. 7-8, [http://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4 -](http://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4_-_Senate_Letter.pdf)

[Senate_Letter.pdf](http://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4_-_Senate_Letter.pdf), May 26, 2020; See Joint Tribal Letter to House Leadership, COVID-19 Legislative Proposal (Phase #4): Tribal Homeland Security and Emergency Services Priorities, pg. 7-8, [https://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4 -](https://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4_-_House_Letter.pdf)

[House_Letter.pdf](https://www.ncai.org/Covid-19/legislativeupdates/Tribal_Homeland_Security_and_Emergency_Services_Needs_and_Priorities_for_COVID-19_Phase_4_-_House_Letter.pdf)
¹⁰ The White House, Memorandum for the Secretary of Defense and the Secretary of Homeland Security, Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/extend-federal-support-to-governors-use-of-national-guard-to-respond-to-covid-19-and-to-increase-reimbursement-and-other-assistance-provided-to-states/>.

Tribal Nations can take to save lives in their communities.¹¹ Tribal Nations must be reimbursed for life saving activities they took after September 2020, which would have been covered by the March 2020 FEMA Public Assistance Policy. The catastrophic health impacts from the COVID-19 pandemic respects no jurisdictional boundaries, and a cohesive national response is required to curtail the devastation. Congress must remove the ongoing roadblocks preventing Indian Country from accessing billions in FEMA disaster resources as soon as possible to support a cohesive national response.

¹¹ Federal Emergency Management Agency, Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim), FEMA Policy # 104-009-19 (Sept. 15, 2020).



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February 2, 2021

The Honorable John Thune
U.S. Senator - South Dakota
511 Senate Dirksen Building
Washington, D.C. 20510

The Honorable Mike Rounds
U.S. Senator - South Dakota
502 Senate Hart Building
Washington, D.C. 20510

Re: The Next COVID-19 Relief Bill

Dear Senator Thune and Rounds:

On behalf of the Rosebud Sioux Tribe, I write to express our strongest support for additional COVID-19 Relief through the Biden American Rescue Plan. As always, we are aware of and appreciate your hard work to provide leadership from Congress in these difficult times. We are aware of the bi-partisan debate, and we want to let you know that here on the ground, we need immediate help. Fighting the COVID-19 Pandemic is the moral equivalent of war, and America is approaching 500,000 deaths, more than World War II.

RESPECT THE CONSTITUTION & TREATIES—CONDEMN THE INSURRECTION

Our Indian nations and tribes work with the United States on a nation-to-nation basis pursuant to our 1851 and 1868 treaties. In treaties, our Indian nations pledged that we shall pursue the path of peace and friendship. Through our treaties, our Lakota people expressly reserved our treaty rights when we became citizens. See 1868 Treaty, Section 16; 8 U.S.C. sec. 1401(b). We oppose and condemn the misguided insurrection against the United States Capitol that occurred on January 6, 2021, as you do. We promote reasonable solutions to America's challenges, such as our environmental opposition to the KXL Pipeline. Our Lakota people serve in the Armed Forces at the highest rate of any People in America to uphold the Constitution and our treaties.

NEED FOR STATE, LOCAL AND TRIBAL CORONAVIRUS RELIEF

Indian nations and tribes have suffered disease, serious injury and death from the COVID-19 Coronavirus. To fight the Coronavirus Pandemic, we closed many of our tribal

government offices and agencies, schools, public institutions, and tribal and tribal member business enterprises. We have lost substantial revenue, our normal tribal government operations have been sidelined, small businesses have suffered, our tribal members lost jobs and careers, and our elders, adults and youth have suffered serious injury and death. We have faithfully sought to follow the CDC guidelines to protect our Lakota people and our neighbors. From an Economic Injury standpoint, many Indian nations and tribes have lost 35% or more of our Tribal Government Revenue. It is essential that the next bill include State-Local-Tribal Coronavirus Relief.

Our Tribal Government needs further COVID-19 Relief Funding from Congress, and we call upon you to recognize our sacrifices and difficulties as we fight the COVID-19 virus through unity, focus and determination. We urge Congress to fund President Biden's initiative to Rescue America, Fight the Coronavirus, Vaccinate America, Re-Open Schools, Provide Unemployment, Small Business and Agriculture Relief, and provide \$1400 in individual Coronavirus Relief. Indian nations need Emergency Help! Please help us.

Please support full funding for the Biden Administration's COVID-19 Relief Fund.
The Biden proposal includes \$20 Billion for Indian tribes, and distribution criteria should include the basic principles of Indian law and policy:

- ***Indian Self-Determination Policy: Lost Revenues, Basic Services, Infrastructure.*** Congress should recognize the authority and capacity to make basic decisions about community welfare. Tribal Governments should be able to use CRF funds to address lost revenue, provide for tribal governments programs and services, including health care, police and fire protection, water and sewer, and address basic infrastructure needs including rehabilitation and operation hospitals, health clinics, quarantine housing, emergency medical facilities, and drug and alcohol treatment to fight COVID-19, slow and stop the Spread;
- ***Tribal Governments as Federally Recognized Indian Tribes.*** The next COVID Relief legislative package should apply extend Tribal Government funding for Indian tribes, as defined by the Federally Recognized Indian Tribe List Act, 25 U.S.C. secs. 5131—32, Public Law 103-454 (1994).
- ***The Treaty Canon of Construction*** should be applied for all Tribal Government provisions in the COVID-19 Acts, that is: As set forth in Pub. L. 113-168, §2(c), Sept. 26, 2014, 128 Stat. 1884: "Ambiguities ... shall be resolved in favor of Indian tribal governments and deference shall be given to Indian tribal governments for the programs administered and authorized by the tribe to benefit the general welfare of the tribal community." 26 U.S.C. sec. 139E note 2.

Tribal Government CRF Allocation. In developing an allocation formula for distributing Tribal Government COVID-19 Relief Funds, the Congress should consider the following elements:

- **Tribal Enrollment.** The Constitution recognizes “Indians not taxed” as citizens of Indian nations subject to primary tribal jurisdiction, and in our 1868 Treaty, our Sioux Nation tribes reserved our self-governing authority vis-à-vis tribal citizens and our tribal homeland. Tribal Citizenship is counted in Tribal Enrollment and reflects the political status of Indian tribes as self-governing nations, rather than the racial count of self-identified American Indians reflected in the Census.
- **Tribal Homelands.** Our treaty lands are reserved as our permanent home for the absolute and undisturbed use of our tribal citizens—in other words, our territory. In 18 U.S.C. sec. 1151, Congress recognizes our reservation and trust lands as Indian country. Our authority and responsibility to protect our homelands should be considered, just as state and local government jurisdictions are considered in the allocation of CRF funding.
- **Lost Revenues.** Tribal Governments have lost taxes, license fees, lease payments, and tribal government enterprise revenues. After all, these revenues are a baseline for tribal government operations and they deserve consideration.
- **Economic Disadvantage.** Our Sioux Nation tribes have been impacted by endemic poverty, severe unemployment and have been home to the poorest Counties in America for 50 years. The United States has a trust responsibility to address our harsh living conditions during the National Pandemic because these conditions pre-existing conditions lead to more severe suffering, injury and death.

The COVID-19 Pandemic and National Public Health Emergency is not over. The UK and other virus mutations threaten to re-ignite the Pandemic, with more virulent, contagious and deadly strains on the horizon from South Africa and who knows where else.

CONTINUING EMERGENCY FUNDING FOR AGENCIES: Indian nations and tribes need further Federal funding for the Bureau of Indian Affairs Law Enforcement, Essential Services and Aid to Tribal Government, Bureau of Indian Education Schools, Indian Health Service and other essential services, including water, electricity, quarantine housing, nursing homes, assisted living and elderly centers, and emergency medical centers, public health and safety, fire protection, housing, rental assistance, water, sanitation and sewer services, among other things. (We attach the NCAI request to detail Agency programs).

Thank you for your thoughtful consideration. Please support the Indian provisions in the next COVID-19 Relief Package.

Sincerely,



President Rodney M. Bordeaux