



March 31, 2020

The Honorable Betsy DeVos  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

The Honorable David Bernhardt  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and  
Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary DeVos, Secretary Bernhardt, and Secretary Azar:

On behalf of the undersigned American Indian and Alaska Native (AI/AN) organizations, we write to urge you to swiftly issue guidance on the manner in which tribal nations, tribal entities, and schools that serve AI/AN students will access funding to implement relevant education and workforce development provisions of H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act (the Act). Further, we urge you to ensure that funding under the Act is released quickly across all of your departments.

As you know, the United States government has federal trust responsibilities and treaty obligations to AI/AN tribal nations. These responsibilities are articulated in more than 350 treaties signed over nearly a century, the United States Constitution, federal statutes and regulations, Supreme Court case law, and presidential executive orders. It is critical that the federal government honor its responsibilities and obligations to tribal nations as they work to respond to the current crisis caused by the rapidly spreading 2019 novel coronavirus (COVID-19).

We make the following recommendations to ensure a robust and comprehensive response to the COVID-19 pandemic:

**DEPARTMENT OF EDUCATION**

- **Identify Equitable Funding Levels for AI/AN Programs Under H.R. 748:**

Of the \$30.75 billion in the Education Stabilization Fund (the “Fund”), one half of one percent is to be made available to programs operated or funded by the Bureau of Indian Education (BIE), including Tribal Colleges and Universities (TCUs). Congress directed the Secretary of the Interior to consult with the Secretary of Education in allocating this vitally needed funding. We recommend that the BIE prioritizes funding to programs that have the most direct impact on AI/AN students. We expect the BIE to work with our organizations and tribal nations to swiftly develop and implement an equitable strategy for disseminating these resources to BIE-operated and BIE-funded pre-K to 12 schools, TCUs, and Johnson O’Malley programs. Lastly, we urge your departments to provide clarity on the type of reporting that will be required from tribal nations and tribal entities regarding the use of these funds.

Through the Fund, Congress allocated \$13.23 billion for the Elementary and Secondary School Emergency Relief Fund, through which state educational agencies will provide funding to state public elementary and secondary schools. This funding is essential to addressing the needs of the 93 percent of Native students who attend state public schools. These funds must be targeted to areas with vulnerable and historically

underrepresented students, including Native students, where other sources of funding may not be available. Further, we urge you to ensure that states with Native students include AI/AN tribal nations in all state planning efforts related to the distribution of funding, namely meetings, hearings, committees, boards, plan documents, and accountability processes.

- **Ensure TCUs, Alaska Native and Native Hawaiian-serving institutions (ANNHIs), and Native American-serving, nontribal institutions (NASNTIs) receive equitable funding with Maximum Flexibility:**

Congress designated \$13.95 billion to institutions of higher education through the Higher Education Emergency Relief Fund. Of this amount, 7.5 percent, or \$1.04 billion is targeted to Historically Black Colleges and Universities (HBCUs), TCUs, and Minority-Serving Institutions (MSIs). However, Congress did not specify how the funding is to be allocated among the different groups of institutions. We urge the Secretary of Education to ensure that TCUs, ANNHIs, and NASNTIs receive equitable funding through this program.

- **Develop a Clear and Equitable Process for Education Waivers:**

The Act provides streamlined waivers through the Department of Education for certain statutory and regulatory requirements related to assessments, accountability, and reporting (in addition to other grant requirements). Eligibility for such waivers is explicitly extended to the BIE and tribally controlled schools. Affirming tribal sovereignty, Congress recognized tribal authority to apply for these waivers. As the Administration plans for the implementation of these waivers, tribal leaders have raised questions as to how the waivers will be granted. We look forward to working with the Department of Education to swiftly develop a clear and equitable process that does not place an undue burden on tribal nations.

#### **DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN EDUCATION**

- **Immediately Distribute Funds and Allow for Maximum Flexibility in Use:**

We are pleased that Congress allocated \$69 million for emergency and immediate BIE Operations, including \$20 million for TCUs. BIE schools have been historically underfunded in the appropriations process, and these schools desperately need emergency funds to address the immediate needs created by the spread of COVID-19. In addition, it is critical for the Department of the Interior to allow maximum flexibility in the use of new and existing funds to enable tribal nations to carry out comprehensive COVID-19 response efforts. We look forward to working with the BIE to ensure funding is swiftly allocated to schools.

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- **Ensure Areas With High Native Populations Have Summer Educational Services:**

The Act appropriates \$750 million for making payments under the Head Start program, and up to \$500 million will be available for operating supplemental summer programs to existing grantees determined most ready to operate those programs by the Office of Head Start. Many Native families rely on Head Start, and we recommend the Secretary immediately establish a mechanism to disburse these funds and identify those who would be considered ready to offer summer programs. During this process, it is critical to identify areas with high Native populations that may not have a summer program as an option, and to work with existing grantees to ensure that all early childhood students, including those in Indian Country, have access to critical educational services this summer.

As the COVID-19 pandemic continues to surge, we urge your prompt consideration of these requests to ensure that necessary resources are delivered to all AI/AN students and schools as expeditiously as possible. We stand ready to work with you to ensure your departments are prepared to uphold the federal trust responsibility to our tribal nations as you work to address the impact of this global crisis on all Native students.

Sincerely,



Kevin J. Allis  
Chief Executive Officer  
National Congress of  
American Indians



Carrie L. Billy  
President & CEO  
American Indian Higher  
Education Consortium



Diana Cournoyer  
Executive Director  
National Indian Education  
Association



President  
United South and Eastern  
Tribes Sovereignty Protection  
Fund



Executive Director  
National Council of Urban  
Indian Health

cc: The Honorable Roy Blunt, U.S. Senate  
The Honorable Patty Murray, U.S. Senate  
The Honorable Rosa DeLauro, U.S. House of Representatives  
The Honorable Tom Cole, U.S. House of Representatives  
The Honorable Lisa Murkowski, U.S. Senate  
The Honorable Tom Udall, U.S. Senate  
The Honorable Betty McCollum, U.S. House of Representatives  
The Honorable David Joyce, U.S. House of Representatives  
Ruth Ryder, Acting Director, Office of Indian Education, Department of Education  
Tony Dearman, Director, Bureau of Indian Education, Department of the Interior  
Jeannie Hovland, Commissioner, Administration for Native Americans, Department of Health and Human Services  
Dr. Deborah Bergeron, Director, Office of Head Start, Department of Health and Human Services  
Ron Lessard, Acting Director, White House Initiative on American Indian and Alaska Native Education