

April 9, 2020

INDIAN COUNTRY COVID-19 LEGISLATIVE PRIORITIES

Economic Development and Employment

- Increase appropriation by at least \$20 billion to the existing Coronavirus Relief Fund (CRF) for tribal governments and entities and in no case decrease the set-aside for tribal governments below 10 percent of the CRF funds included in 4th stimulus package.
- Provide a tribal set aside for Federal Reserve, Treasury, and other department lending, guarantees, and forbearance programs to ensure tribal governments and entities are able to access these programs without burdensome restrictions.
- Provide COVID-19 unemployment insurance support to tribal employers by enabling them to change reimbursement option elections due to the pandemic and ensuring that the federal government covers 100 percent of the unemployment claims paid to laid off tribal employees.
- Ensure employer emergency assistance is accessible to tribal governments and their enterprises including access to employer tax credits where a tribal employer elects to participate in a covered activity.
- Increase appropriations by \$500 million for tribal fisheries and fishers in Section 12005 of the CARES Act to address ongoing COVID-19 impacts.
- Ensure any Tribal Business Concern is eligible for Section 7(a) loans, is exempt from affiliation rules, is protected from non-statutory restrictions imposed by lenders, and include Native Community Development Financial Institutions (NCDFI) as eligible lenders.
- Provide not less than \$110 million in additional funding for NCDFIs and waive restrictions on Small Business Administration (SBA) and Treasury programs for Native American Contractors (NACS), Tribal Business Concerns, and NCDFIs to provide for emergency funds and waiver of program restrictions.
 - Ensure NACS participating in the SBA Small Disadvantaged Business Program are able to participate in the increased federal government spending resulting from COVID-19 response legislation.
 - Raise the cap on sole-source contracts awarded by civilian (non-DOD) federal government agencies to not require justification or approval of sole-source contracts not exceeding \$100 million.
 - Exempt SBA set-asides from category management.
 - Provide that any relief given to federal employees, such as continued pay, related to COVID-19, also applies to federal contractors.
 - Increase access to the SBA's 7(j) Program which provides technical assistance for small businesses by increasing program authorization by \$10 million with not less than \$4 million available for assistance to Indian tribes and Tribal Business Concerns.

Tribal Governance – Bureau of Indian Affairs

- Provide \$950 million in additional funding for Bureau of Indian Affairs Tribal Priority Allocations funding.
- Provide authority for Inter-Agency transfers, withdrawals, and credits to facilitate the prioritized and rapid deployment of coronavirus relief within Indian Country.
- Ensure federal agencies serving Indian Country have personnel, staffing infrastructure, and resources available to distribute funds and resources.
- Provide not less than \$75 million in new funding for BIA's Welfare Assistance Fund (BIA, Operation of Indian Programs, Human Services, Welfare Assistance).
- BIA regulations at 25 CFR Part 20.329 for Emergency Assistance under the Welfare Assistance Program should be updated to include individuals or families who are affected by COVID-19.
- BIA regulations at 25 CFR 20.330 should be temporarily waived to increase individual Emergency Assistance payments from \$1,000 to \$5,000.
- Provide not less than \$20 million in new funding for BIA's Indian Child Welfare Act Fund (BIA, Operation of Human Services Programs, Human Services, Indian Child Welfare Act)
- Provide not less than \$75 million in new funding for BIA Office of Justice Services (OJS) Criminal Investigations and Police Services.
- Provide not less than \$35 million in new funding for BIA OJS Detention/Corrections.

Housing and Community Development

- Provide \$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 program and Imminent Threat projects tribal nations propose as a direct response to COVID-19 impacts in their communities.
- Include direct tribal eligibility for any appropriations that are earmarked to other general federal housing programs, and in particular federal homeless assistance programs.

Health

Health Section 1: Critical Funding and Access Needs

- Provide \$1 billion for Purchased/Referred Care (PRC).
- Provide \$1.215 billion for Hospitals and Health Clinics.
- Establish a \$1.7 billion Emergency Third-Party Reimbursement Relief Fund for IHS, Tribal Programs, and Urban Indian Organizations.
- Provide \$2.5 billion for Health Care Facilities Construction to include support for new and current planned projects, the Small Ambulatory Health Center Program, and the Joint Venture Construction Program.
- Provide \$1 billion for Sanitation Facilities Construction.
- Provide \$750 million for maintenance and improvement of Indian Health Service and Tribal facilities.
- Provide \$85 million for equipment purchases and replacements.
- Provide \$161 million for Urban Indian Health.

Health Section 2: Technical Medicaid/Medicare Fixes

- Authorize Medicaid reimbursements for Qualified Indian Provider Services and Urban Indian Organizations.
- Provide reimbursements for services furnished by Indian Health Care Providers outside of an IHS or Tribal Facility.
- Ensure parity in Medicare reimbursement for Indian Health Care Providers.
- Include pharmacists, licensed marriage and family therapists (LMFTs), licensed professional counselors, and other providers as eligible provider types under Medicare for reimbursement to IHS, Tribal health programs, and Urban Indian Organizations.

Health Section 3: Technical Amendments Needed

- Expand telehealth capacity and access in Indian Country by permanently extending waivers under Medicare for the use of telehealth and enacting certain sections of the CONNECT to Health Act.
- Make the IHS Scholarship and Loan Repayment Program tax exempt.
- Implement ways to facilitate interagency transfers of funding that tribal nations can access to address COVID-19 and its impacts so that funding can be disbursed to tribal nations quickly.
- Implement ways to disburse funding to tribal nations using existing funding mechanisms already in place when possible.
- Provide Tribal and Urban Indian Organizations access to the Strategic National Stockpile.
- Provide Tribal and Urban Indian Organizations access to the Public Health Emergency Fund.

Health Section 4: Legislative Fixes and Reauthorizations

- Move Contract Support Costs to mandatory appropriations.
- Move 105(I) lease agreements to mandatory appropriations.
- Permanently reauthorize the Special Diabetes Program for Indians with automatic annual adjustments tied to medical inflation, and permit tribes and tribal organizations to receive funds through Self-Determination contracts or Self-Governance compacts.
- Provide mandatory appropriations for Village Built Clinics.

Education

Education Section 1: K-12 Educational Needs

- Authorize Tribally Controlled Grant Schools to access Federal Employee Health Benefits (FEHB).
- Ensure that a tribal state of emergency is included in the definition of a qualifying emergency.
- Ensure access to healthy meals for all students that are impacted by school closures and have no other means to get these meals.

Education Section 2: K-12 Education Infrastructure and Broadband Needs

- Provide \$115 million for wireless hotspots for BIE students and teachers as an immediate solution to school closures.
- Provide \$60 million for laptops for BIE students and teachers as an immediate solution to school closures.

Education Section 3: Higher Educational Needs

- Provide an additional \$7 million in the Interior-Bureau of Indian Education account to meet the immediate and critical needs of Tribal College and Universities (TCUs).

Education Section 4: Higher Education Infrastructure and Broadband Needs

- Authorize Tribal Colleges and Universities as eligible to participate in the E-Rate program.
- Establish a \$16 million TCU set-aside in the USDA-Rural Utilities Service Program using existing funds.
- Provide at least \$500 million in the Interior-BIE account for a TCU Deferred Maintenance & Rehabilitation Fund, as authorized under the Tribally Controlled Colleges and Universities Assistance Act.

Nutrition and Agriculture

Nutrition and Agriculture Section 1: Critical Funding and Access Needs

- Clarify CARES Act Food Distribution Program on Indian Reservations (FDPIR) funding covers administrative costs, reimbursement of emergency food purchases, and authorizes FDPIR Indian Tribal Organizations to procure food locally and regionally; waive the non-federal cost share requirements; and allow for necessary administrative flexibility for verifications, certifications, and service.
- Temporarily waive the prohibition on dual use of the Supplemental Nutrition Assistance Program (SNAP) and FDPIR during the same month.
- Provide assistance to Farm Service Agency (FSA) borrowers' for relief and implementation of policies to provide support for tribal producers and entities.
- Increase the Supplement Nutrition Assistance Program's (SNAP) maximum benefit available to all households by 15 percent and the minimum benefit from \$16 to \$30 and delay implementation of the proposed and final SNAP rules.
- Provide parity and eligibility for tribal governments and Indian Tribal Organizations in the Emergency Food Assistance Program (TEFAP).
- Adequately fund the Federally Recognized Tribes Extension Programs (FRTEP) at \$30 million.
- Provide for agriculture lending through Community Development Financial Institutions (CDFIs).
- Create a COVID-19 Perishable Products Loss Fund due to market disruption.

Nutrition and Agriculture Section 2: Infrastructure Funding and Broadband Needs

- Create a 15 percent tribal set aside in the USDA ReConnect Broadband program and Distance Learning and Telemedicine Grant Program to enhance broadband access and long-distance healthcare in Indian Country.
- Increase funding for tribal-specific projects under all USDA Water and Environmental Grant Programs by \$200 million.
- Expand the use and increase funding for the Rural Development (RD) Community Facilities Programs.
- Provide tribal specific funding for the Local Access Market Programs (LAMP).
- Expand USDA RD programs Substantially Underserved Trust Area (SUTA) designation to all programs at RD to support tribal priority.

Human Services

Human Services Section 1: 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 in order 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.

Human Services Section 2: Veterans

- Require the Veterans Health Administration (VHA) to reimburse IHS and tribal nations for services under PRC.
- Exempt Native veterans from copays and deductibles at VHA facilities.
- Authorize UIOs as eligible for VA reimbursement.

Human Services Section 3: Indian Child Welfare Services

- Provide \$30 million for tribal governments under Title IV-B, Subpart 1 of the Social Security Act.
- Provide \$45 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.
 - \$5 million to the Tribal Court Improvement Project.
- Provide \$20 million for tribal governments under Title IV-E Chafee funds.
 - Authorize language allowing tribal nations to directly access the Social Services Block Grant Program by establishing a 5 percent tribal nation set aside in the statute.