



National
Congress of
American
Indians



April 20, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Via email to: Tyler.A.Fish@who.eop.gov

RE: Cost-Share Waiver and Funding Adjustment Request

Dear President Trump:

The National Congress of American Indians (NCAI), the below signed tribal organizations, and tribal nations respectfully request a cost-share waiver and adjustment of disaster funding distribution for all 574 federally recognized tribal nations under the coronavirus (COVID-19) national emergency declaration that was issued on March 13, 2020. In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5151-5207, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of the Federal Emergency Management Agency (FEMA) Public Assistance program.

There is currently a non-federal cost share of 25 percent for Category B Public Assistance and the funds are disbursed on a reimbursement basis. Both the 25 percent non-federal cost share and the reimbursement process have prevented many tribal nations from taking essential actions such as ordering lifesaving supplies, hiring emergency management personnel, and reaching out to FEMA for assistance.

Tribal nations provide necessary resources to their citizens such as healthcare, food security, public safety, education, housing, and social services through federal funds and through revenue generated from tribal activities. Tribal nations often do not have the ability to generate tax revenue like states and instead rely on their tribal enterprises to raise government revenue. Many tribal nations have had to close their tribal businesses in the effort to slow and stop the spread of COVID-19. As a result, the 25 percent non-federal match requirement is prohibitive for many tribal nations. Moreover, the federal government has a trust responsibility to assist tribal nations. The match requirement is inconsistent with the federal government's obligations to tribal nations and their citizens.

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. Tribal leaders, staff, and

citizens are putting their lives on the line daily to help protect both tribal and non-tribal citizens but are unable to access the billions of dollars set aside to support COVID-19 response efforts. Granting a 100 percent cost-share adjustment waiver for all federally recognized tribal nations and permitting public assistance funds to be distributed up front rather than on a reimbursement basis would reinforce tribal resiliency and contribute to the stability of tribal nations.

NCAI, the below signed tribal organizations, and tribal nations respectfully request that the Administration, under the treaty and trust responsibility it owes to all tribal nations and under Executive Order 13175, grant a 100 percent cost-share adjustment waiver and adjust the reimbursement process for all 574 federally recognized tribal nations to assist in the preparedness, response, and recovery efforts from the COVID-19 pandemic. If the administration believes that an act of Congress is required for either or both actions, NCAI requests that the White House include the item(s) in their legislative proposals to Congress to be included in the next COVID-19 response bill. We sincerely appreciate your consideration of our two requests.

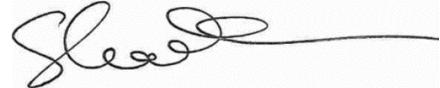
Respectfully submitted,



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



Chief Kirk Francis,
President,
United South and Eastern
Tribes Sovereignty Protection
Fund



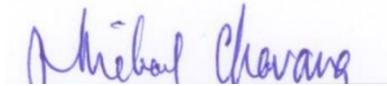
Shannon Keller O'Loughlin,
Executive Director,
Association on American Indian
Affairs



Tim Zientek,
Chairman,
Inter-Tribal Emergency
Management Coalition of
Oklahoma



Del Ostberg,
Chairman of the National
Tribal Emergency
Management Council and
Northwest Tribal EMC
Chapter



Governor J. Michael Chavarria,
Chairman,
All Pueblo Council of
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Jake Heflin,
President/Chief Executive
Officer,
Tribal Emergency
Management Association,
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cc:

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