



NATIONAL CONGRESS OF AMERICAN INDIANS

April 20, 2020

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President Donald J. Trump
c/o White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

RE: Demanding the Administration Invoke the Full Powers of the Defense Production Act to Protect the Health and Wellbeing of Tribal Nations and Their Citizens from COVID-19

Dear President Trump:

On behalf of the National Congress of American Indians (NCAI), I am writing to urge you to immediately invoke the full powers of the Defense Production Act (DPA) to help tribal nations gain access to lifesaving medical supplies as soon as possible to address urgent needs in Indian Country created by the COVID-19 pandemic. NCAI is the oldest, largest, and most representative national organization serving the interests of American Indian and Alaska Native tribal nations and their citizens.

As you know, the United States has trust obligations to tribal nations based on their inherent sovereign rights as governments, rights that are affirmed in the U.S. Constitution, the nearly four hundred treaties that the U.S. government forged with tribal nations, and hundreds of U.S. Supreme Court precedents. In exchange for hundreds of millions of acres of tribal land, the federal government promised to safeguard tribal nations' sovereign right to self-governance, and to *provide tribal nations adequate resources to deliver essential services effectively in perpetuity.*

For tribal nations, no service is more essential than healthcare, and there is no time more vital than the present for the federal government – in the wake of the COVID-19 pandemic – to fulfill its trust and treaty obligations to ensure the health and wellbeing of tribal communities and citizens. We are already observing troubling signs that this pandemic may disproportionately sicken and kill Native people at a much higher rate than the general U.S. population. This probable outcome is due in large measure to the federal government's chronic underfunding of healthcare for American Indian and Alaska Native people, and the increased chronic disease disparities they suffer as a consequence.

In this crisis moment, it is incumbent on this Administration to save as many Native lives as possible *as soon as possible* by invoking the full powers of the DPA to ensure that Indian Country immediately receives the life-saving equipment and supplies it needs to assess and stem the spread of this virus and combat its effects among those who have been stricken.

We call on you to use the DPA to expand and expedite the following:

- Production and provision of rapid-result COVID-19 testing machines and adequate testing supplies to Indian Health Service (IHS), tribal, and urban Indian health facilities and tribal communities;
- Production and provision of ventilators to IHS and tribal healthcare facilities; and
- Provision of personal protective equipment (PPE), such as masks, gowns, and respirators, to front-line healthcare providers at IHS, tribal, and urban Indian healthcare facilities as well as essential tribal government employees.

The federal government should deploy these tests, testing machines, ventilators, and PPE *directly* to tribal nations and health facilities in Indian Country with all due haste at no cost to those nations, and the quantities provided should be based on the particular needs of each tribal nation as it confronts this pandemic. The federal government's solemn trust and treaty obligations to Indian Country require no less.

The time to act is now, and we urge you to immediately invoke the DPA to protect Indian Country. The lives of hundreds if not thousands of American Indian and Alaska Native people are at stake.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Sharp', with a stylized flourish at the end.

Fawn Sharp
President
National Congress of American Indians

