



NATIONAL  
INDIAN  
GAMING  
ASSOCIATION

June 15, 2020

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

Dear Speaker Pelosi and Minority Leader McCarthy:

The undersigned tribes and tribal organizations respectfully request that you enact liability relief legislation for businesses related to the COVID-19 pandemic that includes tribally owned businesses. The profits generated by tribal businesses, and other institutions, provide critical funding for tribal government programs, including law enforcement and health care. If not included in any such legislation, these businesses may be unfairly targeted by litigation. The costs associated with that litigation would further exacerbate the economic and real human impact of the pandemic. To protect our economy, jobs, and the welfare of those working during the COVID-19 outbreak, tribal businesses, and those outside of Indian Country, should be shielded from COVID-19 related lawsuits when they adhere to applicable public health guidelines.

As noted in the May 27<sup>th</sup> letter to Congress from various business entities and coalitions, healthcare workers, businesses, non-profits, and other institutions are working to keep our country going. Tribal businesses, medical facilities, charitable organizations, and others are part of that ecosystem, and are key contributors to keeping our nation's economy strong and our communities as safe as possible. Many tribal businesses shut their doors when it was necessary to keep people safe, experiencing billions in lost revenue to secure the public's health. Those tribal businesses are now developing and implementing safe methods to reopen, so that they once again can provide critical funding for the delivery of essential government services to their citizens.

However, like their commercial counterparts, as tribal businesses strive to provide services and care during this pandemic, we are concerned that they will experience a barrage of litigation. Such lawsuits and the associated costs to tribal businesses and organizations, although they may be protected by sovereign immunity, could cause businesses that are struggling due to the pandemic to close permanently, further devastating regional and tribal economies and plunging the country into a long depression.

We ask that you enact COVID-19 business liability protections for: (1) businesses, including tribal businesses, nonprofit organizations, and educational institutions that adhere to applicable public health guidelines; (2) healthcare workers and facilities providing critical COVID-

19-related care and services; and (3) manufacturers, donors, distributors, and users of vaccines, therapeutics, medical devices, as well as PPE and other supplies (such as hand sanitizer and cleaning supplies) that are critical to the COVID-19 response absent negligence or willful misconduct. We ask you take these steps while ensuring that there is no implicit waiver of tribal sovereign immunity.

For our country's economy to recover, it is critical that tribal and other businesses are able to reopen safely and without added litigation risk. We implore Congress to enact legislation to protect our businesses from unfair claims so that we can continue to work to abate the impacts of COVID-19.

Sincerely,

National Congress of American Indians  
Native American Finance Officers Association  
National Indian Gaming Association