



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #PDX-20-028

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### **TITLE: Calling on Congress to Prioritize Tribal Government Relief and Enact the Next COVID-19 Relief Package**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian Nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, tribal nations are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our tribal lands, and

**WHEREAS**, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of tribal nations established prior to the United States; and

**WHEREAS**, tribal nations predate the United States and are independent sovereigns vested with complete and inherent authority over our lands and our citizens; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 pandemic to be a National Emergency effective March 1, 2020; and

**WHEREAS**, the COVID-19 public health emergency and economic crisis has afflicted all Americans, with almost 7.5 Million cases reported and over 210,000 fatalities; and

**WHEREAS**, across the country, tribal nations patriotically responded to the COVID-19 pandemic by suspending Indian gaming, hospitality, and ancillary businesses in the first and second quarters; and

**WHEREAS**, when tribal government gaming, hospitality and tribal businesses re-opened in May and June, capacity was generally limited to a maximum of 50% to allow social distancing; masks were recommended and required, and temperature checks, hand sanitizing and intense cleaning regimens were implemented to protect employees and patrons; and

**WHEREAS**, conventions, concerts, and events were cancelled and some Tribal businesses that reopened have had to shut down again to control the spread of the virus while other Tribal businesses have remained closed for over eight months; and

**WHEREAS**, this massive economic blow falls on those at the greatest health risk because, according to the Centers for Disease Control (CDC), per capita American Indians and Alaska Natives (AI/AN) have the highest COVID-19 infection rates, the highest risk of hospitalization and serious injury due to a perfect storm of factors putting Indian Country at greatest risk: minority communities' inequitable and limited access to healthcare and education; the prevalence of essential work jobs that do not allow for social distancing; intense housing density and lack of quarantine facilities; and long-standing income and wealth gaps; and

**WHEREAS**, the Washington Post reports, "Hispanics and Native Americans have made up an increasing proportion of Covid-19 deaths. The disease now accounts for nearly 20 percent of all deaths among those groups." These deaths are tragic losses to our communities; and

**WHEREAS**, when the CARES Act was enacted in March 2020, the State-Local-Tribal Government Coronavirus Relief Fund (CRF) included \$8 Billion for tribal governments to address necessary expenses related to COVID-19 and directed that such funds be expended by December 30, 2020; and

**WHEREAS**, tribal governments responded to the CARES Act by developing plans to expend the Coronavirus Relief Funds and these initial funds have largely been allocated and expended; and

**WHEREAS**, the CARES Act appropriated \$500 billion through the Economic Stabilization Fund, authorizing the Federal Reserve to establish a "Municipal Liquidity Facility" (MLF) for governments and a "Main Street Lending Facility" for corporations to provide access to capital and liquidity to these entities—defining Indian tribes as governments for purposes of this provision of the CARES Act; and

**WHEREAS**, the Treasury Department and Federal Reserve ignored the text of the CARES Act, forcing Indian tribes into the corporate "Main Street" lending facilities, which come with higher interest rates and other barriers—as a result Indian Country has been unable to access the \$500 billion Economic Stabilization Fund; and

**WHEREAS**, tribal governments are devastated—our tribal government revenues fund essential services, including schools, health care, police and fire, child and elder care, water, sewer and sanitation services—and lacking the tax base available to state and local governments, those services are nearly entirely funded with income from tribal businesses; the loss of these tribal government revenues is a catastrophic loss for the health and well-being of our tribal communities; and

**WHEREAS**, nationwide, Indian gaming is among the top 11 private employers, creating 780,000 jobs and generating over \$40 Billion in tribal government revenue in 2019; tribal hospitality, spas, golf courses, gift shops, retail and convenience store enterprises generate and additional \$6 billion in revenue; and native agriculture and natural resources create hundreds of thousands of jobs and generate \$7 billion in sales according to the Department of the Interior; and

**WHEREAS** the nationwide economic impact of Indian gaming (direct and indirect) is \$105 billion, generating \$36 billion in wages, \$15 billion to vendors, and \$15 billion in payments to federal, state and local governments; additionally small tribal businesses (including SBA 8(a)) nationwide generate more than \$50 Billion annually and due to the pandemic, tribal government revenues will be down by at least \$40 Billion—decimating the revenue tribal governments depend on to provide services to tribal citizens; and

**WHEREAS**, to slow and stop the spread of COVID-19 and to alleviate economic suffering and unemployment, Congress should enact further COVID-19 relief packages, which include increases into the CRF, individual relief, testing, contact tracing, and vaccine funding; healthcare support; education support; Paycheck Protection Program support for small businesses; as set forth in the bi-partisan House Native Caucus letter dated July 24, 2020.

**NOW THEREFORE BE IT RESOLVED** that the National Congress of American Indians (NCAI) calls upon the Congress of the United States to enact the next COVID-19 relief package immediately and provide a proportionate tribal set aside that is not less than 5.33% of the entire increased CRF allocation; and

**BE IT FURTHER RESOLVED** that Tribal Government Coronavirus Relief Funds (CRF) should be:

- allocated to Federally Recognized Indian Tribes per the Federally Recognized Tribe List Act, 25 U.S.C. secs. 5130—5131,
- support flexible use of funds including for employment and labor costs and lost revenue;
- to slow, stop and treat the COVID-19 Coronavirus; and
- to alleviate the unemployment, economic hardship and suffering caused by the pandemic and economic crisis; and
- the timeframe for spending CRF Relief Funds should be extended through 2022 because the pandemic is expected to continue into 2021 right now, there is no end in sight to the pandemic; and

**BE IT FURTHER RESOLVED** that Congress should appropriate additional funding for the continued operations of the Indian Health Services and for continued operations of tribal government programs within the Bureau of Indian Affairs; and

**BE IT FURTHER RESOLVED** that Congress should appropriate additional funding for tribal programs within HUD, HHS, USDA, and Veteran's Affairs, including the extension of disability and medical claim deadlines, water infrastructure and transportation; and

**BE IT FURTHER RESOLVED**, that Congress and the Administration should establish a tribal lending facility at the Federal Reserve, as set forth in PDX-20-020, funded at 5 percent of the total \$500 billion appropriated pursuant to Section 4027 of Public Law 116-136, utilizing anticipated

tribal government and tribal enterprise revenues, basing underwriting on 2019 earnings or their financial condition as of January 1, 2020, to stabilize tribal economies, ensure access to capital for tribal government-owned enterprises, and secure long-term economic stability for Indian Country; and

**BE IT FURTHER RESOLVED** that Congress, the Department of the Treasury, and the Federal Reserve Bank should act to address the public health and economic crisis by providing tribal government access to low-interest borrowing, including municipal and tribal government bonds at LIBOR +1%, or less if possible, for a minimum of 10 years and Tribal Governments that were current on Bank loans as of January 1, 2020 should be deemed to have a AAA Bond rating for such purposes; and

**BE IT FURTHER RESOLVED** that consistent with the nation-to-nation relationship, the free, prior, and informed consent with all tribal nations must be secured before advancing any further coronavirus relief legislation or resources;

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held November 8-13, 2019, with a quorum present.



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Fawn Sharp, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary