

Resources for Indian Tribes and Native Communities in the CARES Act

Prepared by the Senate Committee on Indian Affairs, Office of Vice Chairman Udall

Legislative Authorizations. The CARES Act bipartisan compromise agreement ensures Indian Tribes, Tribally-owned businesses, and Native owned business have equal access to federal COVID-19 economic recovery resources. It will give Tribes and their government-owned enterprises access to \$8 billion in flexible funding to support COVID-19 response. And it will make sure Tribes and Tribally-owned businesses have the resources they need to cover the costs of employee payroll and unemployment insurance costs.

Coronavirus Relief Fund – Establishes an \$8 billion relief fund at the Department of Treasury for Tribal governments and Tribally-owned entities of those governments to use for expenditures incurred due to the COVID-19 public health emergency in the face of revenue declines. The Treasury Secretary is required to develop a funding distribution model for this fund based on identified need¹ and in consultation with the Secretary of the Interior and Indian Tribes.

Tribal Business Concerns – Makes Tribes eligible for the Small Business Act Section 7(a) Paycheck Protection Program² and the Coronavirus Economic Stabilization Act program.³

Unemployment Insurance – Allows Indian tribes to be reimbursed for half their incurred unemployment benefit costs through December 31, 2020.⁴

Federal Education Waivers – Authorizes the Department of Education to waive provisions of the Elementary and Secondary Education Act, except civil rights laws, that are necessary and appropriate due to the COVID-19 declaration of disaster for all BIE schools, including Tribal 638 contract schools and Tribal 297 grant schools.

Special Diabetes Program for Indians & Temporary Assistance for Needy Families – Extends the authorization for SDPI and TANF through November 30, 2020.

Funding. The CARES Act bipartisan compromise agreement contains over \$2 billion in emergency supplemental funding for federal programs that serve Indian Tribes, urban Indian health centers, and Native families. This funding will ensure important Indian health, public safety, child welfare, and safety-net programs can continue operation despite increased strain caused by the COVID-19 public health crisis.

Indian Health Service (IHS) – Provides \$1.032 billion in critically needed resources to support the tribal health system during the pandemic, including expanded support for medical services, equipment, supplies and public health education for IHS direct service, tribally operated and urban Indian health care facilities; expanded funding for purchased/referred care; and new investments for telehealth services, electronic health records improvement, and expanded disease surveillance by tribal epidemiology centers.

¹ The bill establishes that identified need is determined by calculating the additional funds expended by Tribes or their entities in 2020 as compared to the same period in 2019. The bill does not specify if lost revenue is a reimbursable expense.

² The Paycheck Protection Program will provide 100% federal loan guarantees up to \$10 million to cover costs like employee salaries, paid sick leave/medical leave, mortgages/rents, and employee health insurance premiums.

³ The Coronavirus Economic Stabilization Act program will provide \$454 million in loans, loan guarantees, and investments through the Federal Reserve's lending facilities to Indian Tribes, States, eligible businesses, etc.

⁴ Indian Tribes would be eligible to apply for reimbursement for the remaining fifty percent of unemployment benefit costs incurred due to COVID-19 through the flexible Coronavirus Relief Fund.

Bureau of Indian Affairs (BIA) – Includes \$453 million to provide aid to tribal governments; support welfare assistance and social service programs, including assistance to tribal members affected by the coronavirus crisis; expand public safety and emergency response capabilities; increase BIA capacity for teleworking so the agency is better prepared to assist tribes; and meet increased staffing and overtime costs.

Bureau of Indian Education (BIE) – Provides \$200+ million for response needs at BIE-funded schools, including staffing, transportation, telework, and cleaning activities and assistance for tribal colleges and universities across the country to help respond to the crisis.

HUD Office of Native American Programs – Provides \$200 million for the Native American House Assistance and Self Determination Act (NAHADSA) Block Grant program with a formula designed to assist Tribally Designated Housing Entities most in need of funding related to COVID-19 response. And \$100 million to the Indian Community Development Block Grant to respond to COVID-19 in tribal communities.

Food Distribution Program for Indian Reservations – Provides \$100 million to the program that provides USDA commodity foods to low-income households, including the elderly, living on Indian reservations.

Older Americans Act Tribal Nutrition. Provides \$20 million for the delivery of nutrition services to American Indians, Alaska Natives, and Native Hawaiian elders.

Indian Child Care Development Block Grant – Provides between \$70-96 million for Indian child care programs that serve low-income families to help defray the costs of COVID-19 response, including for continued payments to child care providers during center closures and to provide emergency child care for health care workers, emergency responders, and other COVID-19 “front line” workers.

Appropriations by the Numbers

Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

- \$100 million for the Food Distribution Program on Indian Reservations
 - \$50 million food purchase
 - \$50 million construction

Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies

- \$300 million for Tribal, subsistence, commercial, and charter fisheries assistance

Appropriations Subcommittee on Interior, EPA, and Related Agencies

- \$1.03b for IHS
 - Broad use authority for clinical services, public health, and urban Indian programs.
 - No less than \$450 million for Tribally-operated ‘638’ IHS facilities and Urban Indian health facilities.
 - \$65 million for electronic health record modernization and public health data surveillance improvements.
- \$69 million for BIE schools, including \$20 million minimum for Tribal Colleges and Universities.
- \$453 million for BIA “TPA” like fund/operation of Indian Programs
- \$78,000 for the Institute of American Indian Arts for COVID response

Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies

- \$15 million for Tribes and Urban Indian health facilities through HRSA for telehealth
- \$15 million for Tribes and Urban Indian health facilities through the Public Health and Social Services. Emergency Fund for essential medical resources to respond to coronavirus.⁵
- \$15 million for Tribes and Urban Indian health facilities through SAMHSA.
- \$125 million for CDC grants to Tribes and Urban Indian health organizations
- Ed Stabilization Funding
 - \$154 million (a 0.5% set-aside) for programs operated or funded by BIE
 - TCUs are eligible for general higher education funding formula, which is based on formula of 75% for Pell student enrollment and 25% for non-Pell students. TCUs will also qualify for the Minority Serving Institutions set-aside (7.5% of the overall higher ed set-aside).⁶ Also, TCUs and other MSIs will have flexibility through a statutory waiver to use prior HEA-MSI award money for COVID-related response efforts.
- Student Loan/Aid –AIAN students will get the same benefits as all other students with fed loans.
- \$50 million for Institute of Museum and Library Services (includes Tribal grantees) to “expand digital network access, purchase internet accessible devices, and provide technical services”
- \$900 million Low Income Home Energy Assistance Program (LIHEAP) supplement for all eligible households, including those covered by Tribal LIHEAP.
- \$20 million for Older American Act Tribal Nutrition activities for the delivery of nutrition services to American Indians, Alaska Natives, and Native Hawaiian elders.
- \$96 million for Indian Child Care Development Block Grant for COVID-19 costs and to provide child care services for health care and emergency workers.

Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies

- \$300 million for Native housing and community development
 - \$200m through NAHASDA formula (for COVID-needs), and
 - \$100m through the Indian Country Development Block grant (ICDBG)
- \$100 million for the Re-connect program⁷
- \$25 million for Distance Learning and Telemedicine Program.⁸

⁵ These include countermeasures and vaccines, therapeutics, diagnostics, necessary medical supplies, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities.

⁶ Approximately 80% of TCU students receive Pell.

⁷ To be eligible, at least 90% of the households to be served by a project receiving a loan or grant under the pilot program must be in a rural area without sufficient access to fixed broadband at a minimum speed of 10 Mbps/1 Mbps. Wireless and satellite is not eligible. As the Program is currently administered, two Tribal specific elements apply: If service is being proposed on tribal land, a certification is required from the proper tribal official that they are in support of the project and will allow construction to take place on tribal land. If no certification is provided, then this area will be ineligible for funding.

⁸ Federally recognized Tribes are eligible to apply for DLT grants.