

TRIBAL LEADER TOWNHALL



National Indian
Health Board



SPIRIT ROCK



National
Congress of
American
Indians



TRIBAL LEADER TOWN HALL ON RECONCILIATION LEGISLATION

February 12, 2020 | 3:00pm Eastern

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OPENING PRAYER

Governor Joe Garcia, *Ohkay Owingeh*

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Fawn Sharp
NCAI President

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Tina Danforth
NAFOA President



Melanie Benjamin
NAFOA Secretary

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Veronica Watters

Legislative Assistant to Senator Charles
Schumer

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What to Expect From Budget Reconciliation



Devin Rhinerson

Partner

PACE, LLP

The Congressional Budget Process

Step 1: The Budget Resolution

- A Budget Resolution is the framework for government spending in the fiscal year.
- Sets high level spending targets, not individual program spending levels.
- A Budget Resolution has no force of law.

Step 2: Reconciliation

- A reconciliation bill is used to change any laws that impede the implementation of the Budget Resolution.
- Budget Committee instructs other committees to recommend ways to bring spending in line with budget goals.
- Recommendations are compiled into a single bill, which receives expedited consideration.

“The Byrd Rule”

- Special rules exist to limit what can be added to a Reconciliation bill; the most restrictive is “the Byrd Rule.”
- Under the Byrd Rule, all provisions of a reconciliation bill must:
 - 1) change revenue or spending within a 10-year window;
 - 2) not change revenue or spending outside of a 10-year window; and
 - 3) not change Title II of the Social Security Act.



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Lots of action in the next few weeks

- Congress will enact legislation by March 13th when expanded unemployment insurance expires.
- All legislative text is being vetted against the Byrd Rule by Congressional/Committee leadership and Parliamentarians. This minimizes likelihood of radical change.
- Keep an eye on Senate Democrats: losing one Democratic Senator could doom the bill.
- We have been close before and seen things fall apart, so keep your fingers crossed!

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Tribal Relief Fund and SBA PPP



Dante Desiderio
Executive Director
NAFOA

Coronavirus Relief Fund II

- \$220 billion to states, territories, and tribal governments
- \$20 billion of the appropriations for CRF goes to tribal governments - or - 9.1%

Coronavirus Relief Fund II

- Tribes defined in the List Act
- Includes transfers to private non-profits with separate boards
- Funds will remain available until expended
 - *(May not allocate all funds initially)*

Coronavirus Relief Fund II

- \$1 billion to each tribal government
 - Approximately \$1,742,160
- \$19 billion “...allocated by the Secretary among Each Tribal government in an amount determined by the Secretary”

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Coronavirus Relief Fund II

Main objective:

Mitigate the fiscal effects stemming from the public emergency

Uses:

A - Respond to or mitigate the public emergency or its negative impacts

B – Cover costs incurred as a result of the emergency

C – Replace revenue that was lost (based on January 2020 revenue projections)

D – Address negative economic impacts

PPP, EIDL & Restaurant Assistance

- PPP
 - Similar provisions as before
 - Clarification of non-profits that participate in **lobbying activities**
 - Must receive less than 15% of revenue from lobbying activities
 - Must spend less than \$1 million on lobbying activities
 - Must have less than 300 employees

PPP, EIDL & Restaurant Assistance

- Targeted EIDL Advance
 - \$15 billion in direct assistance
 - \$5,000 in assistance
 - Severely Impacted – priority
 - No more than 10 employees and a loss greater than 50%
 - Substantially Impacted
 - No more than 10 employees and is not severely impacted

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PPP, EIDL & Restaurant Assistance

- Restaurant Assistance
 - \$25 billion available for gross revenue below \$500,000 in 2019
 - \$20 billion in grants for various sizes
 - Includes tribally-owned concerns
 - No EIDL, opened before January, covers revenue loss and costs
 - \$10 billion set aside for minority, veterans, and tribal concerns for first 21 days
- Community Navigator Pilot – Increase disadvantaged awareness - \$100 Million

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Additional Government Support & FEMA



National
Congress of
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Vice President of Government Relations
National Congress of American Indians

Kelbie Kennedy

Policy Counsel
National Congress of American Indians

Additional Tribal Government Support

- **Tribal Government Support for Businesses**
 - **Financial Services, Sec. 4301** Reauthorizes the State Small Business Credit Initiative (SSBCI) Act of 2010 (12 U.S.C. 5701 et seq.) administered by the Department of Treasury and for the first time amends the act to include tribal governments as eligible recipients, with a \$500,000,000 tribal set aside.
 - These funds enable tribal governments to develop programs to deliver flexible affordable capital to small businesses.
 - Requires tribal governments to file a notice of intent to participate within 30 days of enactment, with funds allocated to tribes no later than 60 days after enactment.
- **BIA Operation of Indian Programs-TBA** in House Natural Resource Text.

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Federal Emergency Management Agency Provisions and Updates

- **Sec. 7001. Federal Emergency Management Agency Appropriations**
 - \$50 billion for major disasters declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Remain available until September 30, 2025.
- **Emergency Disaster Declaration vs Major Disaster Declaration**
 - The type of declaration you fall under impacts the types of assistance and reimbursements that your Tribal Nation can access.
 - March 13, 2020, Presidential emergency declaration covered the entire United States.
 - 89 Tribal Nations have accessed FEMA COVID-19 funds under the President's emergency declaration.
 - All 50 states and 2 Tribal Nations have their own major disaster declarations.
- **FEMA 25% Non-Federal Cost Share**
 - President Biden waived the 25% non-federal cost share and expanded the definition of eligible activities in a White House memo.
 - President Biden made the waiver retroactive to January 20, 2020, in a subsequent memo.

Federal Emergency Management Agency Provisions and Updates

- **Sec. 7002. Funeral Assistance**

- “[T]he President shall provide financial assistance for COVID-19 or other disaster related funeral expenses to *individuals or households*.”
- Awarded at 100 percent federal cost share.

- **Constrains and FEMA Updates**

- Congress appropriated \$2 Billion for Funeral Assistance in December of 2020.
- Only applies to funerals that took place in 2020.
- FEMA is still setting up the program and will be issuing a policy on amount caps per applicant.

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Employment, Tax Credits, and Childcare



Aurene Martin
Managing Partner
Spirit Rock Consulting

Ways & Means Committee - Tax

- Employee Retention Tax Credit Extension – Section 9651 extends the employee retention tax credit, as expanded in December 2020, through December 31, 2021.
- Extends the Families First Coronavirus Response Act paid sick and Family leave to September 30, 2021, and resets 10 day limit.
- Federally subsidized COBRA assistance for laid off employees through September 30, 2021.

Ways & Means Committee - Tax

- \$1,400 individual payments for each family member –
 - Phases out starting at \$75k individual/\$150 joint (\$112k & \$200k HOH)
- Expands Child Tax Credit to \$3,000 (\$3,600 under 6), up from \$2,000. Extends credit for an additional year – to 17 years.
- Child & Dependent Care Tax Credit increased to \$4,000 single/\$8,000 joint, and makes credit fully refundable.
- Unemployment Assistance extended through August 29, 2021, at an additional \$400/week, up from \$300/week.



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Education and Labor

- Bureau of Indian Education
 - \$850 million to be allocated by the Secretary of the Interior not more than 30 days after the Act is authorized, for programs operated or funded by the BIE, Bureau-funded schools, and TCUs.
- Child Care and Development Block Grant Program
 - \$14.99 billion will remain available through September 30, 2021 to carry out the Child Care and Development Block Grant Act of 1990 (“CCDBG”). Such funds are authorized for use by states, territories, Indian Tribes and Tribal Organizations for childcare assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to the coronavirus without income eligibility requirements.
- Child Care Stabilization
 - \$23.975 billion will remain available through September 30, 2021 through CCBDG for eligible child care providers of Indian Tribes and Tribal organizations for use in accordance with CCBDG.

Education and Labor Cont.

- **Programs for Survivors**
 - The Family Violence Prevention and Services Act is amended to add additional funding for the fiscal year 2021, to remain available until spent. \$18 million to carry out grants for Indian Tribes. \$1 million each fiscal year to support Indian communities under the National Domestic Violence Hotline Grant.
- **COVID-19 Response Resources for the Preservation and Maintenance of the Native American Languages**
 - \$10 million to remain available until expended for emergency grants for Native American language preservation and maintenance.
- **Increased federal minimum wage to \$15/hour**

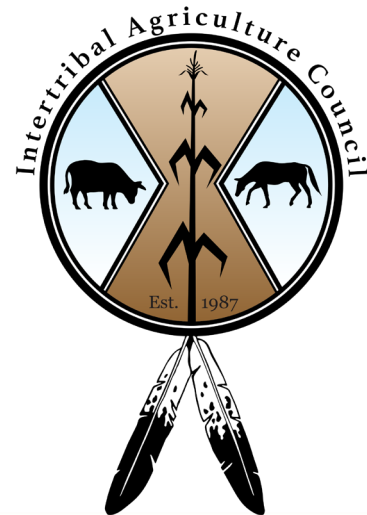
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Agriculture and Nutrition Provisions

Colby D. Duren

Director of Policy and Government Relations

Intertribal Agriculture Council



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House Ag Committee Reconciliation Package

- **\$16 billion total for Food and Agriculture**
- **Farm Service Agency Debt Relief** – for socially disadvantaged producers
 - 120 percent of FSA farm loans current as of January 1, 2021
- **\$3.6 billion** – food and ag purchasing/distributing, grants and loans to small and mid-sized processors, and loans and grants to maintain and improve the food chain
- **\$1 billion** – technical assist. to entities serving socially disadvantaged communities
 - Includes: TCUs (1994s), Alaska Native and Native Hawaiian institutions, and additional entities
- **\$500 million** – Community Facility Program rural hospitals, communities increase access to COVID-19 vaccines & food assistance



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House Ag Committee Reconciliation Package

- **Nutrition Provisions – House Ag Committee**
 - Extends **15 percent** increase in SNAP benefits through September 30, 2021
 - **\$37 million** – Commodity Supplemental Food Program
- **Nutrition Provisions – House Ed & Labor Committee**
 - **\$5 billion** – Pandemic-EBT food assistance (school and summer feeding prgms)
 - **\$800 Million** – WIC Program, boosts cash value vouchers (fruit and vegetables)



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Housing



Tony Walters

Executive Director

National American Indian Housing
Council

Housing Provisions

- **NAHASDA Funding - \$750 M**
 - IHBG - \$450M
 - NHHBG - \$5M
 - ICDBG - \$280M (non-competitive)
 - TTA & Admin - \$10M & \$5M
- **Homeowner Assistance - \$500 M**
 - 5% set-aside of larger program
 - Similar to Emergency Rental Assistance program

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Health Care

National Indian
Health Board 

Stacy Bohlen
Executive Director
NIHB

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Indian Health Care



Stacy A. Bohlen

Sault Ste. Marie Chippewa

Chief Executive Officer

National Indian Health Board

National Indian
Health Board



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Indian Health Care COVID Relief Funding

Late last night (2/11/21) the House Energy and Commerce Committee

Passed the AI/AN Public Health Portions of the Reconciliation Bill

- The Committee Created a Stand Alone Title for AI/AN Health
- Created a dedicated, standalone section for Indian health
- The Indian Country Health Care Title Includes Just Over \$6 Billion
- A total of just over \$6 billion for Indian Health.
- **This is in addition to the nearly \$6 billion in annual appropriations for IHS**



Energy and Commerce Committee Chairman Frank Pallone
(D-NJ)
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House Energy and Commerce Committee Indian Health Care Funding

Included in \$5.585 Billion IHS Funding in the Energy and Commerce Committee Mark:

- \$2 billion for third party reimbursement
- \$500 million for Purchased/Referred Care
- \$140 million for Electronic Health Records
- \$84 million for Urban Indian Health Programs
- \$600 million for Vaccine Activities
- \$1.5 billion for testing, tracing, personal protective equipment
- \$240 million to bolster Tribal public health workforce
- \$420 million for mental and behavioral health prevention and treatment



| UNITED STATES | | PRESIDENT |
|----------------|-----|-----------|
| RACE | | |
| WHITE | 65% | |
| LATINO | 13% | |
| BLACK | 12% | |
| SOMETHING ELSE | 6% | |
| ASIAN | 3% | |

BREAKING NEWS CNN EXIT POLL



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FY 2022 Budget Reconciliation Goals

- **With a Democrat majority in both chambers, it is likely a budget will be passed for FY 2022**
- **In addition to funding for pandemic response, NIHB will continue advocating for:**
 1. Mandatory/Advanced appropriations for IHS
 2. Enact a Fiscal Year 2022 IHS Budget in the amount of \$12.759 billion, as recommended by the IHS Tribal Budget Formulation Workgroup
 3. Increased funding and permanent reauthorization of SDPI
 4. Increase funding for the IHS's Sanitations Facilities Construction
 5. Increase Tribal set-aside for the safe and Clean Drinking Water



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Urban Health Care



Francys Crevier

Chief Executive Officer

NCUIH

Julia Dreyer

Vice-President, Public Policy

NCUIH



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Consolidated Appropriations Act of 2021 Omnibus and COVID-19 Relief

- 4.67% (\$210 million) Set-Aside for I/T/U for Vaccines
- \$790 million to IHS for I/T/U for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation
- **FTCA for UIOs – Enacted!**
- **VA-IHS Reimbursements for UIOs – Enacted!**
- Tribal Advisory Committee – Enacted!
- SDPI Extended until FY2023

Big Wins for Native Veterans

- Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (H.R. 7105)
 - Native American Veteran Parity in Access to Care Today (PACT) Act
 - Eliminates copayments for Native American veterans.
 - VA Tribal Advisory Committee Act
 - Establishes an advisory Committee on Tribal and Indian Affairs
 - Reimbursement from the United States Department of Veterans Affairs (VA) to UIOs for urban Native veterans' health
 - In 2010, the VA issued a MOU stating that all Indian Health Care Providers were eligible for reimbursement for services to Native veterans. NCUIH has fought tooth and nail with the Administration on their narrow interpretation of this MOU to be exclusive of UIOs. This legislation now expressly affirms that the VA must reimburse UIOs for services provided to veterans.

Budget Reconciliation Indian Health Asks

- Inter-Tribal Organization Letter Sent on February 2, 2021
- Minimum \$8 billion directly related to the COVID-19 public health response to the I/T/U system including:
 - Minimum \$1 billion vaccination distribution and implementation
 - Minimum \$250 million in COVID-19 testing o Minimum \$200 million for PPE, medical supplies, and the deployment of supplement medical personnel
 - Minimum \$1 billion for Native veterans' health through the Veterans Health Administration
 - Minimum \$200 million tribal set aside for support of mental and behavioral health programs
 - Minimum \$40 million tribal set aside for programs that serve as response to domestic abuse
 - Minimum \$3 billion in funds to replenish third party revenue loss in the I/T/U system
 - Minimum \$2.67 billion for the construction and improvement of water and sanitation infrastructure for the I/T/U system and Tribal communities
 - Extend full (100 percent) Federal Medical Assistance Percentage to Urban Indian Organizations
 - Permanently extend waivers under Medicare for the use of telehealth

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Budget Reconciliation Recommendations

- Overview of Indian Health Provisions
 - \$6.1 billion in funding for Indian health programs
 - **\$84 million for urban Indian health**
 - \$2 billion for lost revenue for the I/T/U system
 - \$600 million for vaccine-related activities for I/T/U
 - \$1.5 billion for testing, tracing, and mitigating COVID-19 for I/T/U
 - \$500 million for Purchased/Referred Care
 - \$140 million for information technologies, telehealth, and electronic health records infrastructure
 - \$240 million for public health workforce
 - \$420 million for mental and behavioral health prevention and treatment services among Indian tribes, tribal organizations, and urban Indian organizations
 - \$600 million for funding support of tribal health care facilities and infrastructure
 - \$10 million for potable water delivery.
 - **Full Federal Medical Assistance Percentage for Medicaid services for IHS-beneficiaries at Urban Indian Organizations (UIOs) for two years**

4 **CHAPTER 5—INDIAN HEALTH**

5 **SEC. 3041. FUNDING FOR INDIAN HEALTH.**

6 (a) In addition to amounts otherwise available, there

7 is appropriated to the Secretary for fiscal year 2021, out

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Questions?

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HOUSEKEEPING

During Q&A

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Unmute your mic*



* find these at the **bottom** of screen

PHONE

***9**

to **raise your hand**

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to **unmute**