

**Congress of the United States**  
**Washington, DC 20515**

August 7, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Trump:

We write to reiterate our request that you direct the Federal Emergency Management Agency (FEMA) to waive the traditional cost share requirements for all COVID-19–related assistance for the two federally recognized tribal nations in Massachusetts: the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe. In April, we wrote to urge you to direct FEMA to increase its federal cost share to 100% for the two tribal nations.<sup>1</sup> Our letter followed similar requests from the tribal nations.<sup>2</sup> We have not received a reply to our letter, nor have the tribal nations received a response to their requests. Given the emergency faced by the tribal nations, and their nation-to-nation relationship with the federal government, further delays are unacceptable.<sup>3</sup>

The COVID-19 pandemic has had a disproportionate and tragic impact on Native communities. Seven tribal nations have COVID-19 case rates higher than any state in the United States.<sup>4</sup> Indian Country has not received adequate resources for public health and emergency management, either before or during this public health emergency.<sup>5</sup>

In this context, we are very concerned about the federal government’s lack of responsiveness to our request and the requests of the two federally recognized tribal nations in Massachusetts. The Wampanoag Tribe of Gay Head (Aquinnah) has repeatedly contacted the federal government seeking an answer regarding their cost share waiver request, to no avail. The Mashpee Wampanoag also awaits a response to their waiver request. And three months have

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<sup>1</sup> Letter from Senator Elizabeth Warren and the Massachusetts congressional delegation to President Donald Trump, April, 22, 2020, <https://www.warren.senate.gov/download/20200422-letter-to-president-re-fema-cost-share-for-massachusetts-tribes>.

<sup>2</sup> Letter from Chairwoman Cheryl Andrews-Maltais to President Trump, April 6, 2020; Letter from Chairman Cedric Cromwell to President Donald Trump, April 1, 2020.

<sup>3</sup> Federal Emergency Management Agency, “Massachusetts Wampanoag Tribe of Gay Head (Aquinnah) (EM3497),” March 13, 2020, <https://www.fema.gov/disaster/3497>; Federal Emergency Management Agency, “Mashpee Wampanoag Tribe Covid-19 (EM-3484),” March 13, 2020, <https://www.fema.gov/disaster/3484>.

<sup>4</sup> University of California Los Angeles American Indian Studies Center, “Coronavirus in Indian Country: Latest Case Counts,” July 20, 2020, [https://www.aisc.ucla.edu/progression\\_charts.aspx](https://www.aisc.ucla.edu/progression_charts.aspx).

<sup>5</sup> Written testimony of President Fawn Sharp of the National Congress of American Indians to the U.S. Commission on Civil Rights, July 17, 2020; written testimony of Chief William Smith, Chairman of the National Indian Health Board to the U.S. Commission on Civil Rights, July 17, 2020, [https://securisync.intermedia.net/us2/s/folder?public\\_share=6LRRfGOH2HXD5CJKfmoeIG0011ef58&id=Lw%3D%3D](https://securisync.intermedia.net/us2/s/folder?public_share=6LRRfGOH2HXD5CJKfmoeIG0011ef58&id=Lw%3D%3D).

passed since we wrote to you. This long silence is unacceptable, especially given the federal government’s trust and treaty responsibilities to tribal nations and the nation-to-nation relationship between the federal government and tribal governments.

In the meantime, both tribal governments are under enormous strain to provide crucial services to their citizens. As we noted in our last letter to you, it is in everyone’s best interest—the tribal nations, their citizens, their neighbors, emergency personnel at all levels of government, and the Commonwealth of Massachusetts—that the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe be given as much flexibility as possible to pursue their emergency response. A 100% federal cost share for the two tribal nations is a crucial way to accomplish that. And let us underscore: other funding that Congress might have provided for tribal nations does not obviate the need for this waiver. Moreover, imposing a match requirement on tribal nations during a time of need is inconsistent with the federal government’s trust and treaty obligations to tribal nations, as the National Congress of American Indians (NCAI) and a coalition of other organizations have already noted in a letter to you.<sup>6</sup>

We reiterate our commitment to ensuring the federal government fulfills its obligations to tribal nations, including the federally recognized tribal nations in Massachusetts. As we previously noted, you have the discretionary authority to adjust the cost share under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.<sup>7</sup> The need for you to act is more urgent than ever. On July 1, a FEMA official testified to Congress that “no state, tribal nation, or territory has received a cost share change.”<sup>8</sup> As of July 6, just 44 of the 574 federally recognized tribal nations were working directly with FEMA on COVID-19 response.<sup>9</sup> NCAI has warned, “Many tribal nations have encountered roadblocks and disparate treatment in their attempts to access disaster funds due to FEMA’s inconsistent and discretionary policies, implemented at both Headquarters and Regional Offices.”<sup>10</sup> You can put an end to these problems immediately. We ask you to do so—for the tribal nations in Massachusetts and across the United States.

Granting the requests of the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe, and waiving the traditional cost share requirements for all COVID19–related assistance to them, will better empower them to address this pandemic. Thank

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<sup>6</sup> Letter from National Congress of American Indians et al. to President Trump, April 20, 2020, <https://www.usetinc.org/wp-content/uploads/2020/04/4-20-2020-Tribal-Letter-to-the-White-House-re-100-waiver-of-FEMA-cost-and-reimbursement-adjustment-FINAL.pdf>.

<sup>7</sup> 42 U.S.C. §§ 5121–5207.


<sup>8</sup> Senate Committee on Indian Affairs, “Oversight Hearing on ‘Evaluating the Response and Mitigation to the COVID-19 Pandemic in Native Communities’ and Legislative Hearing to Receive Testimony on S. 3650,” July 1, 2020, <https://www.indian.senate.gov/hearing/oversight-hearing-evaluating-response-and-mitigation-covid-19-pandemic-native-communities>.

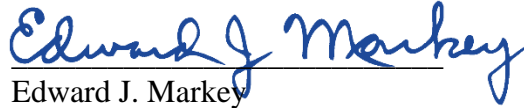
<sup>9</sup> Written testimony of President Fawn Sharp of the National Congress of American Indians to the U.S. Commission on Civil Rights, July 17, 2020, [https://securisync.intermedia.net/us2/s/folder?public\\_share=6LRRfGOH2HXD5CJKfmoeIG0011ef58&id=Lw%3D%3D](https://securisync.intermedia.net/us2/s/folder?public_share=6LRRfGOH2HXD5CJKfmoeIG0011ef58&id=Lw%3D%3D).


<sup>10</sup> Letter from the National Congress of American Indians to Congressional leadership, May 26, 2020, [http://www.ncai.org/Covid-19/legislative-updates/Tribal Homeland Security and Emergency Services Needs and Priorities for COVID-19 Phase 4 - House Letter .pdf](http://www.ncai.org/Covid-19/legislative-updates/Tribal%20Homeland%20Security%20and%20Emergency%20Services%20Needs%20and%20Priorities%20for%20COVID-19%20Phase%204%20-%20House%20Letter%20.pdf).

you for your attention to this matter and your prompt consideration. We look forward to your reply.


Sincerely,

  
Elizabeth Warren  
United States Senator

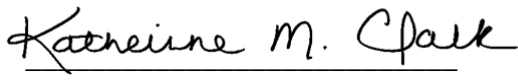
  
Edward J. Markey  
United States Senator

  
Richard Neal  
Member of Congress

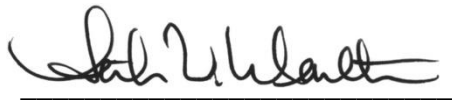
  
James P. McGovern  
Member of Congress

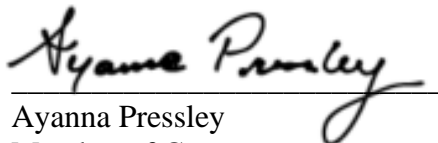
  
Stephen F. Lynch  
Member of Congress

  
William R. Keating  
Member of Congress

  
Katherine Clark  
Member of Congress

  
Joseph P. Kennedy, III  
Member of Congress

  
Seth Moulton  
Member of Congress

  
Ayanna Pressley  
Member of Congress

  
Lori Trahan  
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