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U.S. Department of the Interior

# Indian Affairs

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## Frequently Asked Questions for Indian Affairs American Rescue Plan Act Funding Appropriated Directly to Indian Affairs

The information in this document applies only to American Rescue Plan (ARP) funding provided through Indian Affairs, U.S. Department of the Interior, under Section 11002 of the American Rescue Plan Act, and not to ARP funding provided to Tribes through the U.S. Treasury. For information about ARP funding provided to Tribes through the U.S. Treasury, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-fund/tribal-governments>.

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# ARP Funding Requirements/Restrictions

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## 1. Q: Does the ARP funding carry the same requirements/restrictions as the CARES Act funding in that funding has to be used for prevention, preparedness and response to COVID-19?

1. No. The BIA Sec. 11002 of the ARP Act does not have the same restrictive language. The intent of the American Rescue Plan Act is to help with the response to the public health and economic challenges resulting from COVID-19. Expenditures will be governed by the Scope of Work in each 638 contract which is to include language allowing for maximum flexibility to the Tribe(s) for use and expenditure of funds in “response to the public health and economic challenges resulting from COVID-19.” Self certification by Tribes is also to be provided to 638 contracted Tribes utilizing the Rescue Act funds. For Self Governance Tribes, use of ARP funds is controlled by Section 11002 of ARP.

## 2. Q: Do the ARP funds expire, or do they have to be returned after a two-year period of funding?

1. All ARP funding obligated to tribes under a P.L. 93-638 Contract or self governance Compact will remain available until expended. The funds themselves, under the appropriation act, are no-year funds.

## 3. Q: Will tribes be required to report on activities performed with these funds?

1. Yes, standard P.L. 93-638 and Title IV reporting requirements will apply to these funds. However, it is noted that the flexibility and interpretation by Management of use of the funds allow for Tribal self-

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certification to validate use of funds.

#### **4. Q: Can ARP funds be reprogrammed for other purposes?**

1. Funds appropriated to the BIA under ARPA are Mandatory Funds and they are not subject to the same reprogramming or program restrictions as those programs in its annually appropriated discretionary funding and there is no Tribal Priority Allocation designation within the bill language. The only requirement of the bill is that each outlined pot of funding must be used for the purposes outlined within the bill language. In other words, no Tribe and/or office can reprogram or reallocate funds between the four designated pots of funding. e.g., the Tribal Housing Improvement funds must be used for housing purposes, Tribal Government Services, Public Safety and Justice, Social Services, Child Welfare Assistance and for Other Related Expenses must stay within the designated purposes, etc. However, for the funds provided specifically for Tribal Housing Improvement, Tribes and/or offices may 1) not reprogram or reallocate the funds outside the Housing Improvement Program (HIP) line, however, 2) they can use the funds for what they deem to be "housing" needs (self certification by Tribes/offices), thus 3) not required to conform to any provision governing the HIP itself unless the Tribe so chooses.

#### **5. Q: What restrictions (if any) exist requiring ARP Act Funds to be accounted for separately from regular BIA OIP programs? In simpler terms, may the ARP Tribal Government Services and "regular," OIP be commingled?**

1. No, there must be a segregation of funds. There must be separate accounts set up for audit purposes and separate tracking of expenditures. In addition, each appropriation has different purposes and authorizations that must be adhered to.

# Tribal Government Services Funding

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## **6. Q: Can the Tribal Government Services/ATG General Distribution funds be used for purposes such as Road Maintenance or JOM?**

1. Yes, while you cannot reprogram between the designated pots of funding, there is great flexibility in the use of the funding distributed under ATG and Law Enforcement due to the terms Tribal Government Services and Other Related Expenses. Tribes can move this funding to any related expenses the Tribal Government deems as necessary for recovery purposes, which is interpreted to be any activity administered by the tribal government that is not specifically called out in the legislation. In other words, funds can be used for Agriculture, Economic Development, Road Maintenance, JOM, etc. if these are the areas needed for recovery. It is recommended that tribes keep clear documentation of what the funds are used for and how it relates to recovery efforts for audit purposes. Further, any new activity must be included in the Scope of Work under a Tribe's 638 contract prior to expenditure.

## **7. Q: Can the Tribal Government Services/ATG funding distributed to tribes who do not receive law enforcement funding or services from BIA be used for other program activities?**

1. Yes, these funds are from the same overall pot of Tribal Government Services, Public Safety, Social Services, Child Welfare, and Other Related Expenses funding discussed in FAQ #5. As stated above, while the TPA criteria does not apply to these funds, they can be used for any activity administered by the tribal government that is not specifically called out in the

legislation. It is recommended that tribes keep clear documentation of what the funds are used for and how it relates to recovery efforts for audit purposes as well as ensure it is included in the 638 contract's Scope of Work for authorized use of funds.

**8. Q: Can a tribe use a portion of their Tribal Government Services/ATG funding to replace the funding that was promised by the state and non-profits that is no longer available because of the pandemic to purchase a building for childcare?**

1. No. Funding may be used to procure temporary shelter to be used for pandemic purposes such as separation, but it cannot be used to purchase permanent structures for other purposes.

**9. Q: Will there be any extra reporting requirements or other verification that the money is spent for authorized purposes?**

1. Standard reporting requirements apply to tribes contracting under Title I of P.L. 93-638, with some exceptions. For all tribes providing funds under the Welfare Assistance and/or HIP line items, both will require reporting for both the annual fiscal year, any remaining COVID 19, and Rescue Plan Act appropriations. Additionally, all funding sources should maintain segregation of funds regardless of fund use.

**10. Q: For tribal organizations that did not receive ARP Act Tribal Government Services/ATG funding, can member tribes transfer their ARP Act Tribal Government Services/ATG to the tribal organization to offset administrative expenditures?**

1. Yes, the member tribe should notify its servicing BIA Regional Office of its request in writing for the record.

**11. Q: What federal regulations apply to the ARP Act Tribal**

**Government Services/ATG funds? Are tribes allowed to pool ARP Act Tribal Government Services/ATG funding for a common benefit? For example, are tribes in close proximity to each other allowed to pool funds to support one quarantine center?**

1. Tribes can pool funds, but each tribe should include in their own budgets their respective share/contribution to the costs and have an overarching tracking expenditure managed by a single entity in preparation for future audits. The tribes must follow what is outlined in the Scope of Work of the governing 638 contract pursuant to the program line the tribe(s) chooses to place the funds to be obligated from. The ARP Act provides flexibility to address tribal needs in light of today's emergencies. Tribes may want to enter into a mutual agreement outlining the purpose, participation/roles and funding to be provided for the joint endeavor, including definition of reporting requirements (i.e., which entity will do reporting, accounting, etc.).

**12. Q: We have some staff working from home. However, other staff such as our Finance staff have had to report to work because the tribe does not have an efficient Internet connection and our government is not networked to allow work from home. However, we now have the opportunity to pull fiber optic into the tribe, primarily connecting our tribal government, including our healthcare center. So, can we use some of our Tribal Government Services/ATG ARP Act funds to pull the fiber optic?**

1. Yes, expenses incurred to install broadband internet, including fiber optic lines, to enable staff to telework is a valid expense. Documentation should be maintained for audit purposes and the Tribes should have a policy in place as to authorized use and access.

**13. Q: May a Self-Governance or a Self-Determination Tribe request that its ARP Act allocation be retained at its**

### **Region/Agency for direct services?**

1. Yes, if a tribe wishes for the Region to provide direct services, the tribe should provide a written email authorization to the Region or the Office of Self-Governance Compact Negotiator stating such purpose and provide a copy to the BIA Regional Director. Funds cannot be moved from a tribe without written consent of the tribe. Uses of the funds for a direct service program should then be negotiated with the appropriate Approving Official.

## **Welfare Assistance (WA) Funding**

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### **14. Q: Can ARP Act funding being applied to Welfare Assistance be used to supplement the salaries of tribal employees providing services to tribal citizens?**

1. No, Welfare Assistance funds cannot be used to supplement employee salaries.

### **15. Q: Can ARP Act funding applied to Welfare Assistance be used for tribal citizens that do not live within the geographical boundaries of the tribe or are they tied to a service area?**

1. The BIA regulations specify a service area for Welfare Assistance for each federally recognized tribe. Additionally, members of a federally recognized tribe living within the service areas of another federally recognized tribe are eligible to receive services from a WA program operated by a tribe within whose service area they reside, as long as there is no duplication of services and they are a member of a federally recognized tribe.

**16. Q: Do tribes have to do a Financial Assistance and Social Services Reporting (FASSR) for ARP Act funding applied to Welfare Assistance?**

1. Yes. The BIA issued guidance on completing FASSR reporting required for COVID-19 WA; the same guidance applies to Rescue Act funds allocated for WA by the tribe. Reporting will be similar to reporting as done now for annual appropriations for WA but will reflect the different authorizations and segregation of funds.

**17. Q: Can a tribe that is in the 477 program and that has a redesign WA program use the ARP Act funds in the same manner as the redesign?**

1. Yes, a tribe may use ARP Act funds reprogrammed to WA funds consistent with its redesigned program and approved 477 Plan. The 477 Tribe must first followed established procedures and submit a request for an amendment change and/or waiver.

**18. Q: May Self-Governance tribes use the Title IV regulation authority found in 25 CFR § 1000.220 to request a waiver of 25 CFR § 20 to operate an ARP Act Welfare Assistance Program?**

1. Yes. Self-Governance tribes may request a waiver of Welfare Assistance Program regulations using the authority found at 25 CFR § 1000.220.

**19. Q: May ARP Act funds applied to Welfare Assistance be transferred from an Alaska Native Village or Tribe to an Alaska Native Consortium to provide services?**

1. Yes, where a tribe authorizes an Alaska Native Consortium to provide services on behalf of the tribe, ARP Act funds applied to Welfare Assistance may be transferred to an Alaska Native Consortium. A tribe should notify the BIA Alaska Regional Director in writing, with a copy to the OSG Compact Negotiator, as



appropriate, of its decision(s). Reporting of expenditures continues to be required.

**20. Q: What options are available if a tribe does not wish to return funds so that the funds can be reallocated to a tribe that operates a Welfare Assistance Program in a particular service area?**

1. The BIA cannot reallocate funds from one tribe to another without tribal consent in writing from that tribe. A tribe wishing to not use or accept its allocation of Cares Act and/or ARP Act funds (for any line item) may return that allocation to the BIA to be used on a nationwide basis for the purposes designed by the Div. B, Title VII of the CARES Act or the American Rescue Plan Act provision(s) or the tribe may specify to its servicing BIA Region that it prefers the returned allocation be provided for a specific purpose and/or to a named sister tribe.

**21. Q: The Assistant Secretary-Indian Affairs waiver is available for one year. How does this align with the Div. B, Title VII of the CARES Act?**

1. On May 14, 2020, the Assistant Secretary – Indian Affairs issued a waiver of certain Welfare Assistance program regulations contained in 25 CFR§20 for expenditures relating to funds provided under Div. B, Title VII of the CARES Act. This waiver is effective for a period of one year (expiring May 13, 2021) unless otherwise extended or withdrawn by the Assistant Secretary – Indian Affairs. It is important to note that the waiver issued May 14, 2020 applies only to Div. B, Title VII CARES Act funds and is not applicable to regular Welfare Assistance appropriations. The BIA has obtained an extension of the date of this waiver not only for the CARES Act but also to extend the waiver provisions to funds provided under the ARP Act as well should tribes also wish to reallocate funds to Welfare Assistance from those provided under the

ARP Act. The extension is until December 31, 2023.

**22. Q: How do programs address eligibility when unemployment denial letters may not be available due to the large backlog of claims?**

1. Applicants may self-certify due to the ramifications of the COVID-19 pandemic, providing as much supporting documentation (verifying that the individual applied, etc.) as possible.

**23. Q: Three agencies at a BIA Region provide direct services. Can they use the CARES Act Welfare Assistance funds for foster care? If so, what are the parameters?**

1. Agencies may use general Welfare Assistance funds for documented increased foster care needs resulting from circumstances related to the COVID-19 pandemic, as it is an allowable category in the Welfare Assistance program.

**24. Q: Do applicants for burial assistance need to present evidence of a positive test for COVID-19 related deaths or can applicants self-certify?**

1. Applicants can self-certify that a decedent's death was caused by COVID-19 or COVID-19 related complications.

**25. Q: Some programs allow burial assistance payments in advance and afterwards have applicants apply for reimbursement under General Assistance. Will this be allowed?**

1. The normal guidelines remain in place for burial assistance payments.

**26. Q: How is eligibility determined?**

1. 25 CFR § 20.100 eligibility requirements are not waived. The applicant must be a member of a federally recognized tribe and reside within a designated

service area (funded with Welfare Assistance funds).

**27. Q: How will newly recognized tribes with no reservation boundary be serviced for their immediate Welfare Assistance needs?**

1. 25 CFR § 20 provides a process for the Secretary to establish the service area. The tribe must provide the Region with its decision on how to expend the funds allocated to it.

## Tribal Housing Improvement Funding

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**28. Q: Can a tribe use housing improvement funds for other uses besides housing assistance for tribal members?**

1. No, tribes cannot reprogram ARP housing improvement funding, it must be used for housing improvement purposes as funds were appropriated for Tribal Housing Improvement. However, Tribes are not required to use this funding to operate the Housing Improvement Program (HIP) and may use it for housing improvements as defined by the Tribe (and self certified by the Tribe) that are necessary for their community to meet housing needs. Funds administered under the HIP program must conform to existing HIP policy, procedures, and/or regulations except as otherwise waived under authority of the Assistant Secretary – Indian Affairs. However, where a tribe elects to use the ARP Housing Improvement funds for housing improvement other than the HIP program, such policies, procedures, and/or regulations do not apply.

**29. Q: Will the HIP criteria apply for tribal members who**

### **are seeking housing assistance?**

1. If a tribe chooses to operate a formal HIP program with its ARP Tribal Housing Improvement funds, the BIA has obtained a waiver of various requirements of the regulations from the Assistant Secretary to allow tribes to maximize their resources to meet the needs of their membership. Tribes should work with their servicing Regional Office on exactly which regulations have been waived to ensure compliance with the remaining policy, procedures and regulations. To be clear, this applies only to the BIA's HIP, not when the Tribe utilizes the ARP housing improvement funds for program use outside the formal HIP then it is the determination of the Tribe on how to utilize/distribute the funds to its membership to best meet its needs. The Tribe will self certify as to the use of these supplemental funds under ARP for housing improvement purposes.

### **30. Q: Do I need to apply for HIP and sign the application to receive HIP assistance?**

1. Yes. If a tribe chooses to operate and/or add to its existing HIP program with their ARP Tribal Housing Improvement funds, the HIP regulations continue to apply to the ARP Tribal Housing Improvement funding.

### **31. Q: Do the waivers provided by the Principal Deputy Assistant Secretary – Indian Affairs under the ARP housing improvement add apply to the Housing Improvement Program funding in the annual appropriations act?**

1. No, the waivers only apply to the ARP funds if they are added to an existing HIP 638 contract and/or direct service program. Should a Tribe elect to enter into a HIP with its ARP funds under a 638 contract, it should follow established negotiation procedures with the

servicing Region and then the waivers would be applicable to its use. Funds provided for HIP under the annual appropriations act are not subject to the waivers and must adhere to existing policy, procedures and regulations in place.

**32. Q: To receive HIP assistance under the ARP Act, must an applicant be a member of a federally recognized tribe?**

1. Yes. If a tribe is operating a formal HIP program and adds its ARP housing improvement funds to the budget, the applicant must be a member of a federally recognized tribe.

**33. Q: To receive HIP assistance under the ARP Act, must an applicant live on a reservation or an approved tribal service area?**

1. No. If a tribe is operating a formal HIP program and/or adds its ARP housing improvement funds to the ongoing HIP, this requirement is included in the waiver BIA requested of the Assistant Secretary. The waiver of 25 CFR § 256.6(b) will allow greater flexibility for uses by tribes to address the pandemic for tribal members who do not live in a designated tribal service area.

**34. Q: Is there an income limitation under the ARP Act, housing improvement funding?**

1. No, if a tribe is operating a formal HIP program with their ARP housing improvement funds, this requirement is included in the waiver approved by the Assistant Secretary for those portion of the funds added to the existing HIP contract uses. Waiver of 25 CFR § 256.6(c) will allow greater flexibility for uses by tribes to address the pandemic for tribal members who are above the income guideline under HIP. This applies only to the BIA's HIP, not when the Tribe utilizes the housing improvement funds for program use outside the formal HIP then it is the determination

of the Tribe on how to utilize/distribute the funds to its membership to best meet its needs.

**35. Q: To receive HIP assistance under ARP Act, must an applicant prove they have no other resource for housing assistance?**

1. If a tribe is operating a formal HIP program and adds its ARP housing improvement funds to the ongoing 638 contract for this use, the waiver of 25 CFR § 256.6(f) will allow greater flexibility for uses by tribes to address the pandemic for tribal members, and eliminate the need to screen individuals affected by COVID-19 and/or COVID-19-related effects/situations for these added portions of the funds. It is noted that the waiver provided by the Principal Deputy Assistant Secretary – Indian Affairs is only applicable to funds under the Rescue Act, not the annually appropriated HIP. Further, and as stated previously, this applies only to the BIA's HIP, not when the Tribe utilizes the housing improvement funds for program use outside the formal HIP then it is the determination of the Tribe on how to utilize/distribute the funds to its membership to best meet its needs.

**36. Q: Can tribes use Housing Improvement ARP Act funds to pay for hotel expenses while the home is being repaired?**

1. Yes. If a tribe is operating a formal HIP program and adds its ARP housing improvement funds, the waiver approved by the Assistant Secretary – Indian Affairs of 25 CFR § 256.23(a)(2), will allow tribes (utilizing the added funds under the Rescue Act) to pay for hotel expenses while HIP repairs are being done to the home. A waiver of 25 CFR § 256.23(a)(2) provides for social distancing for the family and protecting the workers under the COVID-19 conditions for the Rescue Act funding only. Again, it is noted that the waiver does not apply to the annual appropriations for HIP.

**37. Q: Can a tribe use other resources to support ARP housing improvement funds?**

1. Yes. Housing improvement resources provided under the ARP Act may be supplemented with other available resources (e.g., in-kind assistance; tribal or housing authority) and any other leveraging mechanism as determined by the Tribe. However, tribes are urged to maintain a clear audit trail for reporting purposes and to ensure segregation of all funds.

## Law Enforcement Funding

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**38. Q: Can a tribe establish a new law enforcement program with the funding distributed to tribes who do not receive law enforcement funding or services from BIA?**

1. No, tribes cannot use the funding to establish a new Law Enforcement program. These funds are “one-time” funding that is intended to be supplemental funding for tribes that do not have existing Law Enforcement programs or services and, therefore, cannot share in the Law Enforcement funding being distributed by the Office of Justice Services (OJS). Any tribe wishing to contract/compact for a BIA Law Enforcement program must follow established policy and procedures for negotiations with OJS.

**39. Q: Do the funds for Law Enforcement Services have to be spent on COVID-19-related expenses?**

1. No, ARP funding does not carry the same COVID-19 requirements as the CARES Act funding.

**40. Q: Can the Law Enforcement funds be used for Detention needs?**

1. Yes, tribes can use these funds for their Detention-

related needs.

**41. Q: Can tribes reprogram the Law Enforcement funds to other funding lines?**

1. Yes, these funds are from the same overall pot of Tribal Government Services, Public Safety, Social Services, Child Welfare, and Other Related Expenses funding which means they can be used for any of these designated purposes or under “other related expenses,” any activity administered by the tribal government that is not specifically called out in the legislation.

## Potable Water

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**42. Q: Can the Potable Water funds be used for running water lines to homes?**

1. 1. No, these funds are intended to be used for the delivery of potable water to tribes experiencing emergency need due to the pandemic. Infrastructure water projects are not an allowable expense with these funds.

**43. Q: How do I request Potable Water funds?**

1. Tribes are to contact their regional offices requesting potable water. The region will purchase and deliver the water to the tribe. This methodology was identified to alleviate additional cost incurred by tribes to store and deliver water to tribal communities.

## Individuals/Tribal Members

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**44. Q: Can hazardous pay be paid for tribal office**



**employees who have worked in the tribal office during the pandemic? Can their payments be retroactive to January 1, 2020?**

1. A tribe may provide hazard pay, ensuring there is a tribal policy regarding hazard pay and it is applied across the board regardless of source of funding.

## **Allowable Expenditures and Equipment for American Rescue Plan Act Tribal Government Services Funds**

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**45. Q: Are the following allowable equipment purchases or expense costs?**

***Purchase of food staples for tribal member households/tribal member food security assistance;***

1. 1. Yes, the ARP Tribal Government Services funding can be used for the purchase of food staples for tribal member households/tribal member food security assistance. However, for audit purposes, tribes should consider establishing a written protocol that outlines the use of funds and consideration given to other sources of ARP Act funding.

***Providing a credit at the local store for tribal members to purchase PPE, cleaning supplies, and food;***

1. Yes, arrangements may be made by the tribe with a local store for tribal members to purchase food, PPE, and cleaning supplies under ARP Act Tribal Government Services funding. Tribes should consider

establishing a written protocol that outlines the use of funds with consideration given to other sources of ARP Act funding.

***Freight costs for flying food into the village;***

1. Yes, freight costs for transporting food into a village may be appropriate use of ARP Act Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that satisfies the requirements of the APR Act.

***Purchase of skiff and trailer, or four-wheeler to haul water, freight, or wood for community members;***

1. Purchase or lease of such equipment may be an appropriate use of ARP Act Tribal Government Services funds. Procurement must meet the requirements of the ARP Act and the tribe's procurement and property procedures. Additionally, it must meet and/or be within the Scope of Work defined in the 638 contract governing the funding line item (ie., ATG, ICWA, etc).

***Purchase of an ambulance for a tribally owned clinic as well as payroll for on-call ambulance driver;***

1. No, purchase of an ambulance and the salary of an ambulance driver are not allowable uses of ARP Act Tribal Government Services funds. Anything medically oriented such as this are under the auspices of the Indian Health Service, not the BIA.

***Paying for tribal members' water and sewer to be hooked up because of delinquent accounts;***

1. Yes, paying to reestablish water and sewer services on delinquent accounts may be an appropriate use of ARP Act Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Utility assistance to individual tribal members;***

1. Yes, providing utility assistance to tribal members may be an appropriate use of ARP Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Purchase of fuel for tribal members homes/heating fuel assistance;***

1. Yes, providing fuel or heating fuel assistance to tribal members may be an appropriate use of ARP Act Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Hiring workers to cut and deliver wood to elders;***

1. Yes, cutting and delivering wood to elders may be an appropriate use of ARP Act Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Direct support for elders, nutrition, childcare, rent/mortgage;***

1. Yes, direct support for elders, nutrition, childcare, or rent/mortgage payments may be an appropriate use of ARP Act Tribal Government Services funds. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Garbage pickup;***

1. Yes, garbage pick-up may be an appropriate use of ARP Act funding. For audit purposes, tribes should consider establishing a written protocol that outlines the use of funds.

***Purchase of tablets, internet access, and exercise***

***equipment for children to complete schoolwork and physical education while in-person school is closed;***

1. For tribally operated BIE schools, CARES Act funding is being provided to BIE-funded schools for distance learning. If the local school district is not covering such costs, ARP Act Tribal Government Services funds may be used and tribes must maintain proper documentation.

***Purchase of mobile storage unit for PPE and cleaning supplies;***

1. Yes, purchase of mobile storage unit(s) for PPE and cleaning supplies may be an appropriate use of ARP Act Tribal Government Services funds.

***Purchase of a quarantine building;***

1. No, the purchase of a building for quarantine is not an appropriate use of ARP Act Tribal Government Services funding. However, temporary lease of a building or a temporary structure to quarantine individuals with COVID-19 or who have been exposed to COVID-19 may be an appropriate use of the ARP Act Tribal Government Services funding.

***Payment for hotel/B&B stay for tribal members who are quarantined and cannot return home? Can this also include per diem?***

1. Yes, funds may be used for these purposes; Tribes should have a written tribal policy in place governing use, access and location(s).

***Use funds to bid for airport - for medevac program since the tribe runs the clinic;***

1. No, ARP Act Tribal Government Services funding may not be used to bid for an airport.

***Washer and dryer purchases for households since the city***

***owned laundry mat is unreliable;***

1. No, ARP Act funding may not be used to purchase washers and dryers for households.

***Purchase of furnaces or windows for houses without permanent heat;***

1. Yes, the specific funding for Tribal Housing Improvement can be used to purchase furnaces or air conditioning units for homes. If a tribe is operating a formal HIP program, it will be incumbent upon the tribe itself to determine which category of HIP funding would be applicable and funded on a tribal-wide basis. It is recommended that tribes document their processes (i.e., written protocols) in this regard for reporting purposes and establishing a clear audit trail on expenditures of these funds. If a Tribe is choosing to use these housing improvement funds as defined by the Tribe (as allowed by the Act), the Tribe can self-certify as to use and expenditure of the Rescue Act funds.

## Other FAQs

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**46. Q: Can tribes allocate funds for food security to help in the effort to harvest and distribute when a food emergency is declared?**

1. Yes, the costs for harvesting and distributing food may be an appropriate use of ARP Act Tribal Government Services funding. Tribes should consider establishing a written protocol that outlines the use of funds.

**47. Q: Can tribes' use the ARP funding to help buy supplies for subsistence needs? There are signs that the food chain has been impacted (i.e. meat processing plants has been shut down or down sized).**

1. Yes, purchase of supplies for subsistence and food pantry needs may be an appropriate use of ARP Act Tribal Government Services funding. Tribes, for audit purposes, should consider establishing a written protocol that outlines the use of funds.

**48. Q: Will unspent ARP Act funding be required to be returned to Indian Affairs?**

1. No, once ARP Act funds are obligated to an ISDEAA agreement, they are available until expended. See Question 2.

**49. Q: Can ARP Act funding be carried over into Fiscal Year 2022?**

1. Yes, ARP funding is No-Year and will be available until expended.

**50. Q: Will Contract Support Cost (CSC) funds be added to Div. B, Title VII of the CARES Act program payments and for funds under the ARP Act?**

1. Yes, once the fiscal year ends, the process currently used by the BIA will continue to be followed to obtain information on the unmet needs of CSC for Div. B, Title VII of the CARES Act funding and the ARP Act funding of BIA programs. This will be separate and apart from the CSC-reported unmet needs for annual direct appropriated funds for BIA programs.

**51. Q: What is the process to receive indirect for this amount?**

1. Once the fiscal year ends, the process currently used by the BIA will continue to be followed to obtain information on the unmet needs of CSC for the American Rescue Act funding of BIA direct appropriated programs. In short, BIA Regions, BIA Office of Indian Services (on behalf of 477 tribes), and the Office of Self-Governance (OSG) will work with the tribes in their administrative area to develop a report

of unmet CSC needs based on the supplemental funds provided by specific funding source. The BIA will then seek funding from the U.S. Treasury Department for prior year unmet CSC needs.

**52. Q: Should we use the Catalog of Federal Domestic Assistance (CFDA) as indicated?**

1. Yes

**53. Q: How are tribes to account for the ARP Act program spending in our Schedule of Expenditures of Federal Awards (SEFA) when preparing our Fiscal Year 2021 audit report? Meaning, what CFDA number applies - 15.022 Tribal Self-Governance or something else?**

1. No new CFDA codes were created for the ARP Act funding. Self-Governance remains 15.022.

**54. Q: Will the ARP Act funding received by tribes count towards the annual \$750,000 threshold that would require a Single Audit in accordance with 2 CFR § 200.501(b)?**

1. Yes, ARP Act funding is considered to be federal financial assistance subject to the Single Audit Act and will count toward the threshold of the Single Audit Act.

**55. Q: When do tribes have to spend ARP Act money by?**

1. All ARP funding obligated to tribes under a P.L. 93-638 Contract or Self-Governance Compact is available until expended.

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 Office of the Assistant

Secretary

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1849 C Street, N.W.,



[\(202\) 208-7163](tel:(202)208-7163)

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