

CORONAVIRUS CAPITAL PROJECTS FUND

U.S. DEPARTMENT OF THE TREASURY

Allocations Methodology for Tribal Governments and the State of Hawaii (for Native Hawaiian Programs)

August 2021

The American Rescue Plan Act of 2021 established the Coronavirus Capital Projects Fund (the Fund), which provides \$10 billion in payments to States, territories, and Tribal governments to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19).¹

Under the statute, the 50 states, the District of Columbia, and Puerto Rico (the States) are eligible to receive total payments of \$9.8 billion, and the seven territories and freely associated states, as one group, and Tribal governments and the State of Hawaii (for Native Hawaiian programs), as another group, are each eligible to receive payments totaling \$100 million.

This document describes Treasury's methodology for allocating the funds to Tribal governments and the State of Hawaii (for Native Hawaiian Programs).

Tribal government and State of Hawaii (for Native Hawaiian programs) allocations

The Fund provides \$100 million to be allocated in equal shares to Tribal governments and the State of Hawaii (in addition to the amount paid to the State of Hawaii as a State), of which (i) not less than \$50,000 shall be paid to each Tribal government and (ii) not less than \$50,000, and not more than \$200,000, shall be paid to the State of Hawaii for the exclusive use of the Department of Hawaiian Home Lands and the Native Hawaiian Education Programs to assist Native Hawaiians.

Under Treasury's interpretation of "equal shares," each Tribal government and the State of Hawaii will receive the same amount. During Treasury's tribal consultation on April 13, 2021 and in correspondence, some Tribal governments with larger populations asked that Tribal population or the size of Tribal lands be considered in the distribution methodology while other Tribal commenters expressed concern regarding the use of such factors. Under a plain reading of the statute, Treasury has determined that the statutory requirement to make payments to entities in "equal shares" is best read to require that recipients receive the same amount.

Pursuant to the statutory definition of Tribal government, Treasury has calculated the per-Tribe allocation based on the total number of federally recognized Tribal governments and separately

¹ Section 604 of the Social Security Act, as added by section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (Mar. 11, 2021).

listed component bands and reservations.² **Treasury will allocate Tribal governments and the State of Hawaii approximately \$167,504 each under this provision.** These allocations are consistent with the dollar limits set in the statute, as each Tribal government will receive more than \$50,000, and the State of Hawaii will receive more than \$50,000 but not more than \$200,000.

Tribal governments will have a predetermined time period to indicate their intent to apply for funds. If a Tribal government does not notify Treasury of its intent within that timeframe, the portion of the funding initially allocated to all such nonresponsive Tribal governments may be available for reallocation.

² Pursuant to section 604(d) of the Act, which cross-references section 602(g) of the Act, “Tribal government” is defined to mean “the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of [ARPA] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).” This list was published in the Federal Register at 86 FR 7554 (Jan. 29, 2021), which is available at <https://www.federalregister.gov/documents/2021/01/29/2021-01606/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>.