

## **Summary of Tribal Consultations relating to the Coronavirus Capital Projects Fund**

The American Rescue Plan Act of 2021 established the Coronavirus Capital Projects Fund (CPF) and allocated \$100 million for eligible Tribal governments and the State of Hawaii (for Native Hawaiian programs).<sup>1</sup> CPF 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.

In accordance with Treasury's Tribal consultation policy, Treasury solicited written feedback and held a Tribal consultation on April 13, 2021, to seek input from Tribal leaders on allocation methodologies, eligible uses, and reporting and compliance. Over 300 Tribal leaders joined the consultation. Further, Treasury joined four Tribal consultations hosted by the National Telecommunications and Information Administration on its Tribal broadband programs.

Treasury greatly appreciates the input provided by Tribal leaders through consultation and correspondence.

### **Overview**

Tribal leaders broadly affirmed the importance of CPF funding in providing critical capital investments to support their communities' recovery from the COVID-19 pandemic.

### **Allocations**

On how to allocate the \$100 million among eligible Tribal governments and the State of Hawaii (for Native Hawaiian programs), some Tribal leaders supported allocating an equal amount to each Tribal government given the statute's language to allocate funds in "equal shares." Other leaders representing Tribal governments with larger populations asked that Tribal population or the size of Tribal lands be considered in the distribution methodology.

### **Eligible Uses and Costs**

Most Tribal leaders voiced support for flexibility in use of funds and asked for deference to each Tribal government to address their own unique needs. Some commonly cited uses included investments in broadband infrastructure, public health facilities, land development, and other basic infrastructure. These leaders described the disproportionate impact of the COVID-19 pandemic on their communities; they highlighted the lack of broadband Internet with adequate speeds to access remote services, as well as poor health outcomes on Tribal lands.

Commenters requested that Treasury allow for planning costs associated with CPF projects, a generous cap on administrative expenses, and braiding of CPF funds with other funding sources and with funds from other Tribes. Some commenters also described the importance of encouraging states to consult with Tribal governments on the states' own spending plans.

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<sup>1</sup> 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).

Some commenters requested that Treasury provide a generous deadline for obligating and expending funds, given the complexity in planning and developing infrastructure in Indian Country, with a few advocating that funds should be available until they are expended.

### **Reporting**

Many commenters recognized the importance of transparency and accountability, but voiced support for a streamlined and simplified reporting process. Some of these commenters asked Treasury to provide training and technical guidance to Tribal governments on eligible uses and reporting.