



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**MAR 16 2021**

Dear Tribal Leader:

I invite you to consult on the additional funding appropriated to Indian Affairs under the American Rescue Plan (ARP). We are seeking feedback from federally recognized Tribes and Tribal Colleges and Universities (TCU) on three general topics:

1. The Department of the Interior's collection of tribal enrollment information;
2. The Office of the Assistant Secretary – Indian Affairs and Bureau of Indian Affairs (BIA) process for distributing \$900 million in ARP funds to tribal governments; and,
3. The Bureau of Indian Education (BIE) process for distributing \$850 million in ARP funds to K-12 schools and TCUs.

The consultation sessions are scheduled by time-zone and will be held by telephone conference due to the ongoing COVID-19 pandemic. The short notice for these sessions is due to certain deadlines contained in the ARP. The schedule is as follows:

<b>Date</b>	<b>Time</b>	<b>Topic</b>	<b>Teleconference Number</b>
March 25, 2021	1:00 p.m. – 3:00 p.m. Eastern Time	Eastern & Central Time Zone Tribes American Rescue Plan Funding Implementation	Participant Call-in: 800-369-1122 Passcode: 5906233
March 26, 2021	2:00 p.m. – 4:00 p.m. Eastern Time  12:00 p.m. - 2:00 p.m. Mountain Time	Mountain Time Zone Tribes American Rescue Plan Funding Implementation	Participant Call-in: 800-369-1122 Passcode: 5906233
March 29, 2021	2:00 p.m. – 4:00 p.m. Eastern Time  11:00 a.m. - 1:00 p.m. Pacific Time	Pacific & Alaska Time Zone Tribes American Rescue Plan Funding Implementation	Participant Call-in: 800-369-1122 Passcode: 5906233

## **Bureau of Indian Affairs**

Indian Affairs is looking for input to determine how to best allocate the \$900 million provided to BIA through the ARP. A key factor in Indian Affairs' ability to do so quickly is the availability of each tribe's total enrollment number. Enrollment data is needed to equitably and transparently allocate funding to tribes for Tribal Government services and is also an important source of information for supporting equitable distribution of resources by Indian Affairs and other Federal agencies. We have drafted for your review a certification form (see attached). Our intention in drafting this form was to ensure a safe, certified process for collecting enrollment information from tribes listed in the latest Federal Register notice<sup>1</sup> listing of Federally recognized tribes. We look forward to your input during the consultation on this certification form; the process for collection of enrollment data; procedures to ensure secure management of the data; and potential uses of the data.

Regarding the allocation of funds and distribution methodology, Indian Affairs is looking for feedback in the following areas.

The bill language includes \$772.5 million for tribal government services, public safety and justice, social services, Indian child welfare and related expenses. We would like your input on distribution of this funding and have three questions on this aspect of the funding we would like your feedback on:

1. If the majority of funding was provided to tribes through the tribal government funding line so tribes could then reprogram for other purposes, would this provide sufficient flexibility to tribes?
2. In order to equitably distribute funding, we are planning to base the methodology for the Tribal Government Services funding on the newly collected enrollment data. We are considering using a formula based on grouping by enrollment size, similar to the approach used for CARES Act funding. Are there other factors we should take into consideration?
3. Because public safety and justice (PSJ) funding is not considered a Tribal Priority Allocation and cannot be easily reprogrammed by Tribes, BIA is considering setting aside some of the \$772.5 million for PSJ programs. We are considering distributing these funds based on the existing allocation of base (recurring annual) funding level for OJS-funded, tribally operated, programs. Are there any additional factors we should take into consideration?

The ARP also includes \$20 million for delivery of potable water and \$100 million for housing improvement. To ensure each of these critical needs are met, BIA proposes to allocate funding or implement projects for potable water as the need is identified by tribal governments. For housing improvement, BIA is considering using a distribution method with two steps. The first step would be to ensure all tribes have a minimum level of funding which would expend roughly 30% of the \$100 million. The second step would be to distribute the remaining funding on a pro-rata basis based on enrollment data. We would like to know if you have any other or additional

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<sup>1</sup> Federal Register, vol. 86, No.18, January 29, 2021, p 7554.

considerations or methodologies we should take into account for allocating housing improvement funding.

**Bureau of Indian Education**

To determine the most effective and efficient allocation of the \$850 million provided to BIE through the ARP, Indian Affairs is looking for feedback on the following issues:

1. What factors should BIE use to determine the fair and equitable distribution of the \$850 million among the 183 BIE-funded K-12 schools and 35 TCUs? Should BIE consider other areas in addition to student counts (Weighted Student Unit for Grades K-12 and Indian Student Count for TCUs) when determining funds distribution?
2. Indian Affairs has identified several investment areas that could be centrally administered to benefit BIE-funded schools, generally. These investment areas include the development and implementation of a Learning Management System (LMS) and related information technology investments for instructional continuity. Investments for facility-related improvements to ensure adequate ventilation and support for social distancing requirements could also be considered areas for investment. Are there other or additional BIE system-wide investments that would benefit from being centrally administered?

I look forward to your input on Indian Affairs implementation of this critical funding.

Sincerely,



Bryan Newland  
Senior Advisor to the Secretary of the Interior  
Exercising the Delegated Authority of the  
Assistant Secretary – Indian Affairs

Enclosure