



# American Rescue Plan (ARP) ECONOMIC RECOVERY ASSISTANCE Program Policy and Rules

Approved by Tribal Council on July 7, 2021

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## I. Purpose; Use of Funds; Payment Considerations

### A. Purpose.

The Cheyenne River Sioux Tribal Council approved Resolution #135-2021-CR on June 28, 2021, which authorizes the payment of \$2,000.00 to any enrolled tribal member who needs economic assistance due to the negative economic impacts from the COVID-19 public health emergency. These funds are part of the Coronavirus State and Local Fiscal Recovery Fund ("FRF") funds authorized and appropriated in the federal American Rescue Plan ("ARP") Act, which was enacted by Congress in response to the COVID-19 public health emergency. The FRF funds within the ARP are received from and administered by the U.S. Department of the Treasury ("Treasury"). As stated by Treasury, "these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color." 86 Fed. Reg. 26788.

### B. Use of Funds for Cash Assistance.

The ARP Act states that a Tribal government may use FRF payments to cover costs incurred by the Tribal government to respond to the negative economic impacts of COVID-19, including assistance to households. As stated in its Interim Final Rule, Treasury has decided that, among other uses, FRF monies may be used to provide *cash* assistance to households or populations facing negative economic impacts due to COVID-19.

### C. Payment Eligibility and Amount Considerations.

In developing this Economic Recovery Assistance cash relief program and authorizing economic recovery assistance payments, the Tribe considered whether and the extent to which tribal member households have experienced a negative economic impact from the pandemic.

- In assessing whether a tribal member household suffered economic harm as a result of the pandemic, the Tribe presumes that a household that (1) experienced unemployment, (2) had increased food insecurity, (3) had increased housing insecurity, or (4) is low-income or moderate-income suffered negative economic impacts resulting from the pandemic. If a tribal member household is not low-income or moderate-income, but it suffered negative economic effects from the pandemic, it may still be eligible to receive cash assistance if the tribal member can show the specific negative economic impacts that occurred.
- All members who reside on the Cheyenne River Sioux Reservation are or were subject to travel restrictions, stay-at-home orders, mask mandates, curfew hours, and school closures in order to reduce the transmission of the COVID-19 virus. Other tribal members who do not reside on the Reservation are or were also subject to similar prevention mechanisms in their own communities of residence. While these modifications to daily life are or were necessary to prevent the spread of the virus, they had a negative effect on the members' social, mental, and economic health.

- Many tribal members, regardless of where they live, struggle with access to stable and reliable technology and communication. Being able to stay connected and informed and stave off feelings of isolation during the pandemic has had significant emotional and financial impacts on these members.
- Many tribal members' living situations underwent rapid, unexpected, and in some cases, undesirable changes as a result of the pandemic. This "housing insecurity," includes high housing costs relative to income, poor housing quality, domestic violence in home, poor neighborhood safety, overcrowding, loss of housing, homelessness, or other situations where there was lack of adequate or affordable housing. It will take time and money for these members to rebound back into safe and affordable housing.
- Tribal members, regardless of where they live, also suffer from food insecurity brought on by the COVID-19 pandemic. Many have seen, or are still currently experiencing, increased grocery prices, limited access to grocery stores or other food sources, or a reduction in available food choices (not to mention healthy food choices). This lack of consistent access to enough food for an active, healthy life has had negative physical and financial consequences on these members.
- Tribal members, both on and off the reservation and especially those who were working, trained, or educated in the hospitality, travel, entertainment, food, or manufacturing industries, experienced sudden and drastic unemployment or under-employment due to the COVID-19 pandemic. Many tribal members went weeks or even months without a full paycheck. Their economic recovery may take years to occur.
- Our young school-age Tribal members also suffered during the pandemic, and these impacts may have long-term economic consequences on them. Many CRST young members who were disproportionately served by remote education during the pandemic lacked the physical, technological, or parenting resources to participate fully in remote schooling. Many homes did not have access to the internet so the kids could not keep in contact with their teacher and classmates. Many caregivers in the home were either not present or simply not able to help the children with their schoolwork. The pandemic, therefore, likely widened the educational disparities and worsened long-term economic outcomes for these young Tribal members.
- As described in Treasury's Interim Final Rule, increased economic strain or material hardship in a household due to the pandemic may also have a long-term impact on health and economic outcomes of young (even birth-to-school-age) children. Adverse conditions in early childhood, including exposure to poverty, food insecurity, housing insecurity, or other economic hardships, are particularly impactful on young people as they grow older. It is a harsh fact that Cheyenne River Sioux Reservation residents suffer from high rates of poverty. In 2019, 31.3% of people in Dewey County and 42.5% of people in Ziebach County suffered from poverty, compared to 12.3% for the United States as a whole. A cash assistance payment to our youngest members will help alleviate their immediate economic burdens and keep them from slipping farther behind their peers as they grow older.
- As the economy recovers, the effects of the pandemic-related recession may continue to impact households, including a risk of longer-term effects on earnings and economic potential. For those reasons, the Cheyenne River Sioux Tribe sees a need to provide a one-time cash assistance payment to its eligible members.

## II. Program Operations, Eligibility, Terms and Conditions

### A. Program Beginning and Ending Dates.

Applications for the CRST ARP Economic Recovery Assistance (“ERA”) payment program will be available beginning on Monday, July 12, 2021. Applications will be accepted and processed on a rolling basis until December 31, 2021. The Application window closes on December 31, 2021. Any funds not distributed through the ERA payment program by February 28, 2022, will return to the Tribe's Fiscal Recovery Fund.

### B. Economic Recovery Assistance Office.

The Tribe has established the Economic Recovery Assistance Office, which operates under the supervision of the CRST Tribal Treasurer. The ERA Office is located in the CRST Finance Building along Hwy 212 in Eagle Butte, SD. The Office’s contact information is:

CRST ARP Economic Recovery Assistance Office  
24332 Highway 212  
PO Box 590  
Eagle Butte, SD 57625  
Phone: 605-964-8388  
Fax: 605-964-8394  
Email: crstarpacoordinator@gmail.com

### C. Accessing ERA Application.

The CRST Economic Recovery Assistance Payment Application (“ERA Application” or “Application”) can be accessed beginning on July 12, 2021, via the Tribe’s website at: [www.cheyenneriversiouxtribe.org](http://www.cheyenneriversiouxtribe.org). Blank Application forms can also be picked up in person at the ERA Office, or they can be sent to tribal members via email or US Postal Service. Tribal members may call or email the ERA Office to request an application be sent to them via email or US Postal Service. A blank Application form is attached to this Policy as Appendix A.

### D. Completion of the ERA Application.

All questions on the Application must be answered in their entirety. Incomplete applications will be rejected. Applications must be signed. The tribal member’s signature on the Application is attesting to the accuracy and truthfulness of the information provided.

### E. Submission of the ERA Application.

Completed ERA Applications can be submitted in person or via US Postal Service. Applications received in person do not need to be notarized. If a tribal member is submitting an Application in person, identification must be presented at the time of submission. ERA Applications submitted other than in-person must be notarized. Applications are assigned a tracking number at the time of submission.

F. Review of Applications.

All applications are reviewed to ensure that the applicant meets the eligibility criteria for a CRST Economic Recovery Assistance payment. Enrollment information is verified. The Application is also reviewed to see if the Applicant indicates that they (1) are below the federal low-to-moderate income threshold, (2) were unemployed, (3) experienced food insecurity, or (4) experience housing insecurity during the COVID-19 pandemic. If the applicant states that none of these factors apply, the Application is then reviewed to determine whether the applicant has met any other eligibility criteria to receive an ERA payment. If an Application includes requests for ERA payments to minors, the Application is reviewed to verify that the applicant is legally authorized to receive the minor's ERA payment.

G. Denial of Applications.

If an applicant does not meet the eligibility criteria to receive an ERA payment, either because their tribal enrollment cannot be verified, or they have not indicated that they were negatively economically affected by the COVID-19 pandemic, or they fail to meet any other eligibility criteria, their Application will be denied. There is no appeal process for denied applications.

H. Distribution of ERA Payments.

The ERA Office will notify an applicant within 2 weeks of submission about whether their Application meets the eligibility criteria for an ERA Payment. If an Application is approved, the ERA payment check(s) can either be picked up in person or sent to the recipient via US Postal Service. ACH, wire transfers, or other electronic payments are not being made. If an ERA payment recipient cannot pick up the check(s) themselves and do not want their check(s) mailed to them, they may designate and authorize someone to pick them up on their behalf by completing and submitting the form, "Authorization to Release ARP Economic Recovery Assistance Payment Check." A copy of the authorization form is attached to this Policy as Appendix B.

I. Records Retention; Use and Confidentiality of Application Contents.

The Tribe will retain all ERA Applications received as long as required to meet federal audit guidelines and as necessary to update the CRST Tribal Census. The Tribe will take steps to keep the financial information contained in Applications confidential, but the Tribe may be required to provide a copy of this application to the U.S. Treasury Department to demonstrate compliance with the ARP, FRF, and applicable regulations and guidelines. The Tribe will use the physical address of on-reservation members to update the decennial census, as required by CRST Tribal Court Order. In addition, the Tribe may use aggregated statistical data for the purposes of advocating for additional federal, state, and other funding and services for the Tribe and its members.

J. Enrollment in CRST.

All applicants, including any minor children, must be enrolled tribal members of CRST as of October 1, 2021.

K. Payments to Minor Children.

1. The Tribal Council and Tribal Administration cannot and will not mediate or decide custody disputes related to the payment of minors' ERA payments. If there is any dispute over who should receive a child's ERA payment, the check will be held by the Tribe until documentation is provided that ensures the minor child's ERA payment is being given to an adult who has legal and/or physical custody of the child and who will utilize the funds to provide economic recovery assistance to the child.
2. If the child(ren)'s parents/legal guardians agree as to who should receive the child's ERA payment, they must complete and sign ERA Form "Parent-Guardian Agreement as to ARP ERA Payment to Minor Child(ren)." The designation contained in that form will be relied upon by the Tribe and, by claiming or directing the payment of the ERA payment for any eligible minor children, the parents/legal guardians release the Tribe from any liability whatsoever that may arise related to the distribution of these funds. The parent/guardian agreement form is attached to this Policy as Appendix C.
3. If there is no parent/guardian agreement form (as described in Sub-paragraph #2 above) submitted with an Application that contains a request for ERA payment(s) for minor children, then the adult who is requesting a minor child's ERA payment must provide other documentation that they are lawfully entitled to receive the child's ERA payment. Documentation could include a current and valid court order (entered or re-certified within the past 30 days) showing who has legal and physical custody of the child, or a copy of any recent (within the past 30 days) tribal, state, or federal program document that shows the adult applicant has legal and physical custody of the child. Documentation of legal and physical custody may be made using other sources, and the Tribe reserves the right to request whatever documentation may be needed to ensure that the minor child's ERA payment is being given to an adult who has legal and physical custody of the child and who will utilize the funds to provide economic recovery assistance to the child.

L. Payments to Adults Who are Under Legal Guardianship

1. A court- appointed legal guardian may receive the ERA payment for an adult who has been declared legally incompetent by a court ("ward").
2. An ERA Application form must be completed on behalf of the ward by the legal guardian, including the ward's name, date of birth, Tribal enrollment number, and other pertinent information included in the Application.
3. Included with the Application must be a copy of the ward's current valid government-issued photo ID (Tribal, state, or federal), if any, and the most current court order (entered or re-certified within the past 30 days) showing who has legal custody over the financial affairs of the ward.

M. Payment for COVID-related Economic Needs Only.

Assistance is being given only to address economic needs arising from the COVID-19 public health emergency and its negative economic impacts on the applicant's household. An applicant must show a need for cash assistance due to the COVID-19 pandemic. The ERA payment is not a per capita payment. In order to ascertain whether an applicant has

been negatively economically impacted, they must answer all questions presented on the Application form.

- N. Unreimbursed Expenses Only.  
An applicant's claim of negative economic impacts from the COVID-19 public health emergency cannot be based on any expense that has been or will be reimbursed under any other tribal, state, or federal program, or insurance.
- O. Documentation Made Available Upon Request.  
An applicant must have a copy of all evidence needed to support their claim of negative economic impacts from the COVID-19 public health emergency attested to in the application, and they must furnish a copy of such evidence to the Tribe upon demand.
- P. Member Responsible for Taxes, If Any Required.  
While ERA Payments are structured with the intent that the assistance will be non-taxable to CRST members under the Tribal General Welfare Exclusion Act and IRS Revenue Procedure 2014-35, if the IRS deems the assistance taxable, then the tribal member - not the Tribe – is responsible for any taxes, interest, and penalties.
- Q. No Obligation Upon Tribe.  
Nothing in the CRST ARP Economic Recovery Assistance Program creates any legally enforceable obligation against the Tribe or waives the sovereign immunity of the Tribe or any of its agents or employees.
- R. Accuracy and Truthfulness of Application Contents.  
The information submitted in the Application is certified to be true and accurate in all material respects. The Applicant understands that knowingly making a false statement to obtain cash assistance from CRST ARP Economic Recovery Assistance Program is punishable under the tribal and/or federal law.

### **III. Program Modifications; Effective Date**

- A. Program Modifications.  
The CRST ARP Economic Recovery Assistance payment program may be modified as needed to comply with any updates to either the Interim Final Rule or the Frequently Asked Questions issued by the US Dept of Treasury governing these funds.
- B. Effective Date.  
This “CRST ARP Economic Recovery Assistance Program Policy and Rules” becomes effective on the date it is approved by Tribal Council.