

# INDUSTRY INSIGHTS

*Members Only Monthly Report (page 1 of 6)*

Be an Active Participant in the Allocation of your Tribe's Funds

## Insider's Insight

from TribalHub's Executive Officer, Mike Day



You are likely aware of the tidal wave of federal funding earmarked for tribes that was created in response to the devastating economic impact of the COVID-19 pandemic. The total funding available to tribes through both the CARES Act of 2020 and now the American Rescue Plan Act (ARP or ARPA) of 2021 totals in many tens of billions of dollars. **It is likely a once-in-a-lifetime amount of funding that has been made available and it would be disappointing to not have your technology initiatives considered for use with this funding.**

So, what have YOU done to gain access to this funding for your tribe's important technology initiatives? Are you already leading the charge to make technology a funding priority for the tribe, or are you unsure of how to access these funds at your tribe? Perhaps you have chosen to be satisfied with fulfilling the technology needs of other tribal departments that have been requesting funding? Regardless, I encourage every technology minded leader and TribalHub Member to take an active leadership role in learning about and making ARP funded technology projects and investments a priority for your tribe or tribal enterprise.

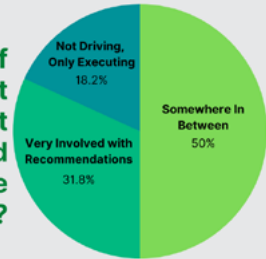
At TribalHub, we have created an [ARP funding resource page](#) to assist our members and technology minded tribal leaders with considering potential ARP funding opportunities around technology and training. We understand that many of our members and tribal leaders (especially those working in tribal enterprises) are not necessarily familiar with when, where or how to access or apply for ARP funds within their own tribe.

Technology investments deserve ARP funding consideration because many can meet the grant funding requirement and due to their common normal ability to create meaningful and long term positive change for any tribe. That said, a bit of good advice and consideration for anyone looking to fund an initiative with grant funding is to make sure that it satisfies at least the following three criteria:

- 1. Sustainable:** Once the grant funding is gone/used, how will you maintain and/or grow the project or initiative?

## Hear From Your Peers

**What is the Role of your IT Department in Determining what to Allocate/Spend Any or All of the ARP Funding on?**



## What Focused Area is your Tribe or Enterprise Looking at Allocating ARP Funding Towards?



**How Sustainable Would You Rate the Investments Being Made Using ARP Funding?**

This data was collected via a survey from members of the TribalHub Online Community.

- 2. Aligned with community or business needs:** Are you staying true to the purpose or goals of the tribe?
- 3. Usefulness:** Always understand the expected and defined outcomes and expected benefits. When possible, it is wise to create measurable goals and outcomes.

I hope that you are, or will be, taking the time and making the effort to make technology training and initiatives a part of your tribe's ARP funding. We may not see this amount of federal funding available again in our lifetimes.

# INDUSTRY INSIGHTS

Members Only Monthly Report (page 2 of 6)

Be an Active Participant in the Allocation of your Tribe's Funds

## Commonly Asked Questions Pertaining to Eligible Spends

TribalHub has received many questions on the allowable uses for the American Rescue Plan Act as they pertain to TribalHub services. We sat down with the team at eCivis for a consultation to clarify some of the most commonly asked questions as they pertain to eligible spends. The information below is general guidance. Your organization should always consult your tribe's attorney for final approval on any of the spend suggestions outlined below.

**MARIA HOWETH, MBA, CGMS, Sr. Customer Success Manager and Tribal Alliance Specialist at eCivis** [mhoweth@ecivis.com](mailto:mhoweth@ecivis.com)



**Interpretation:** There is no one size fits all approach for the use of American Rescue Plan Act funds. When trying to understand the award and justification processes, it's important to keep in mind that the information outlined in the American Rescue Plan Act is a set of guidelines for your organization to navigate when planning for the allocation of your funds. Fully understanding how the rule language can be applied to the needs of

your specific organization will be beneficial. The American Rescue Plan Act outlines four eligible categories where funding can be spent. However, it's ultimately up to your organization to determine what your tribe's individual needs are through the interpretation and explanation of how you plan to apply the funds based on these eligible uses.

### Four Categories for Eligible Use:

Reference page 7 (Interim Final Rule) for more details on eligible uses. Any Fiscal Recovery Funds must be used in one of these eligible use categories:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.
- d) To make necessary investments in water, sewer, or broadband infrastructure.

### What Can American Rescue Plan Act Funds Be Used For?

Below are 6 categories of use our readers have inquired about.

#### 1. Workforce Development

**Question: Can tribes use their American Rescue Plan Act funds for educational programs like purchasing licenses for online learning?**

Federal Document Citation: <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

##### A. Public Health and Economic Impacts

Sections 602(c)(1)(A) and 603(c)(1)(A) provide significant resources for State, territorial, Tribal governments, and counties, metropolitan cities, and nonentitlement units of local governments (each referred to as a recipient) to meet the wide range of public health and economic impacts of the COVID-19 public health emergency.

These provisions authorize the use of payments from the Fiscal Recovery Funds to respond to the public health emergency with respect to COVID-19 or its negative economic impacts. Section 602 and section 603 also describe several types of uses that would be responsive to the impacts of the COVID-19 public health emergency, including assistance to households, small businesses, and nonprofits and aid to impacted industries, such as tourism, travel, and hospitality.

Additionally, Eligible Uses, pages 35-36

<https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

- *Rehiring State, Local, and Tribal Government Staff.* State, local, and Tribal governments continue to see pandemic impacts in overall staffing levels: State, local, and Tribal government employment remains more than 1 million jobs lower in April 2021 than prior to the pandemic. Employment losses decrease a state or local government's ability to effectively administer services. Thus, the Interim Final Rule includes as an eligible use payroll, covered benefits, and other costs associated with rehiring public sector staff, up to the pre-pandemic staffing level of the government.

- *Aid to Impacted Industries.* Sections 602(c)(1)(A) and 603(c)(1)(A) recognize that certain industries, such as tourism, travel, and hospitality, were disproportionately and negatively impacted by the COVID-19 public health emergency. Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic on those and similarly impacted industries. For example, aid may include assistance to implement COVID-19 mitigation and infection prevention measures to enable safe resumption of tourism, travel, and hospitality services, for example, improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans.

Additionally, <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

# INDUSTRY INSIGHTS

*Members Only Monthly Report (page 3 of 6)*

**Be an Active Participant in the Allocation of your Tribe's Funds**

## 2.9 How can recipients use funds to assist the travel, tourism, and hospitality industries?

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

**Maria/eCivis Interpretation:** Yes, this would fall under recipients using the funding for economic or workforce development. It will be up to your organization to clearly define how you plan to implement this training.

There is a lot that can be done to allocate money towards workforce development. Any new initiatives to train workers in post-pandemic/recovery strategies, could all fall into these sections of funding uses. Organizations can use funds to provide online educational resources to get employees back into the workforce, to train new employees, for online training of underemployed workers, or even to implement training to reskill employees who are looking to move up or shift into new job roles within the organization.

**TribalHub Recommendation:** Consider online learning packages offered through TribalWise, with popular bundles emphasizing Leading in the Post-Pandemic Workplace, Business Strategy for Post-Pandemic Economy, Facing Virtual Team Challenges, Remote Worker Training and more. For more details visit: [tribalhub.com/tribalwise/about-us/online-learning/](https://tribalhub.com/tribalwise/about-us/online-learning/)

## 2. New Hardware, Software, IT Infrastructure Needs and IT Modernization

**Question:** *Can tribes use American Rescue Plan Act funds towards the purchases of new hardware, software or to build upon their growing need for IT infrastructure and modernization?*

Federal Document Citation: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

## 6.5 What types of broadband projects are eligible?

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

## 6.6 For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

**Maria/eCivis Interpretation:** Yes, however, your organization will need to be able to justify the needs of these purchases and define what your tribe's individual demands are through the interpretation of how you plan to apply the funds based on the eligible use criterias listed above. There are multiple sections within the FAQ sheet that states funds can be allocated towards purchases. Specifically in section 6.

**TribalHub Recommendation:** Reach out to any of these trusted broadband providers: [MuralNet](#), [EnerTribe](#), [Native Network](#), [Astrea](#).

## 3. Cybersecurity Improvement

**Question:** *Can American Rescue Plan Act funds be allocated across tribal governments, tribal casinos and tribal health facilities for use in improving cybersecurity?*

Federal Document Citation: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

## 6.6 For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

**Maria/eCivis Interpretation:** Yes, there are multiple areas in the act that state cybersecurity initiatives are covered under this act. Again, your organization will need to define which portion of the act your cybersecurity spends will be allocated towards through the interpretation of how you plan to apply the funds based on the eligible use criterias listed above.

**TribalHub Recommendation:** We strongly recommend all tribes consider joining the newly formed, non-profit Tribal-ISAC, the information sharing community for tribes. Visit: [tribalisac.org](https://tribalisac.org) for membership information.

## 4. Investing in Membership Programs

**Question:** *Is there any part of the American Rescue Plan Act that allows for a tribe to allocate funds towards joining organizations or investing in membership programs that provide business and tribal development resources for them; i.e., can a tribe pay for their TribalHub Membership or Tribal ISAC Membership with their funds?*

# INDUSTRY INSIGHTS

*Members Only Monthly Report (page 4 of 6)*

**Be an Active Participant in the Allocation of your Tribe's Funds**

Federal Document Citation: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

**10.2 Can recipients use funds for administrative purposes?**

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency and its negative economic impacts. This includes, but is not limited to, costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs established using Fiscal Recovery Funds.

**Maria/eCivis Interpretation:** Yes, however organizations will need to prove that this membership is a needed resource. By providing an explanation on how the membership can be used to manage and distribute the funds. (Ex. through the use of the TribalHub Searchable Database you are able to connect with solution providers/minority vendors and women owned businesses). By referencing the last line of section 10.2 of the FAQ document you will see that the act covers "costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs..." An administrative purpose for this may be you may require a new software/ technology or supplies to help administer or manage these funds.

**TribalHub Recommendation:** Tribes should consider membership with TribalHub or our valued partner Native American Technology Research Center (NATRC, by Info~Tech.) Both offer tremendous value in resources, research and data, exclusive to the industry. Visit [tribalhub.com/tribalhub-membership](http://tribalhub.com/tribalhub-membership) or [infotech.com/natrc](http://infotech.com/natrc) for details.

**5. Educational Conferences**

**Question: Can a tribal organization use its funds to attend educational conferences and tradeshow such as TribalNet?**

Federal Document Citation: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

**2.9 How can recipients use funds to assist the travel, tourism, and hospitality industries?**

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic. Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

Additionally, <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

**Expenses to Improve the Design and Execution of Health and Public Health Programs.**

State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to engage in planning and analysis in order to improve programs addressing the COVID19 pandemic, including through use of targeted consumer outreach, improvements to data or technology infrastructure, impact evaluations, and data analysis.

And <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>

**Expenses to Improve Efficacy of Economic Relief Programs.**

State, local, and Tribal governments may use payments from the Fiscal Recovery Funds to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.

**Maria/eCivis Interpretation:** Yes, as long as it's an educational conference where sessions include topics that pertain to how to bounce back from the pandemic then you can justify this as an expense. Any conference that's telling you how to stay compliant, spend the funding, or is relevant to the post covid recovery process of your organization.

**TribalHub Recommendation:** The 22nd Annual TribalNet Conference and Tradeshow has an entire track of sessions dedicated to workforce development with many sessions dedicated to pandemic recovery and the post-pandemic industry. The event takes place Nov 8-11, 2021 in Grapevine (Dallas) TX. Registration and event details can be found at [tribalnetconference.com](http://tribalnetconference.com)

**6. Timeline for Use of Funds and Return of Funds**

**Question: Is there an expiration date for the use of these funds? And will tribes have to return any unused funds?**

Federal Document Citation: <https://www.bia.gov/service/american-rescue-plan-act/frequently-asked-questions-indian-affairs-american-rescue-plan-act-funding-appropriated#:~:text=Q%3A%20Do%20the%20ARP%20funds,%2C%20are%20no%2Dyear%20funds>

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.

Additionally, <https://ecfr.federalregister.gov/current/title-31/subtitle-A/part-35/subpart-A/section-35.5>

**35.5 Use of funds.**

- a. In general.** A recipient may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1) and 603(c)(1) of the Social Security Act, as applicable, including those enumerated in section § 35.6, subject to the restrictions set forth in sections 602(c)(2) and 603(c)(2) of the Social Security Act, as applicable.
- b. Costs incurred.** A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.
- c. Return of funds.** A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.

**Resources:**

[Compliance And Reporting Guidelines](#)  
[FAQ List](#)

[Interim Final Rule](#)  
[Code of Federal Regulations, Title 31, A 35](#)

# INDUSTRY INSIGHTS

*Members Only Monthly Report (page 5 of 6)*

Be an Active Participant in the Allocation of your Tribe's Funds

**Are you taking full advantage of your TribalHub Membership?**



Contact your Membership Representative, Tiffany at [tiffany@tribalhub.com](mailto:tiffany@tribalhub.com) for an insightful conversation on how to best utilize all the benefits and discounts available through your TribalHub membership!



## TRIBALNET 2021 CONFERENCE & TRADESHOW

NOVEMBER 8 - 11, 2021 • GAYLORD TEXAN RESORT & CONVENTION CENTER • GRAPEVINE, TX

Did you know TribalHub Members get a great discount on their TribalNet Attendee Registration **PLUS** a VIP experience at the event?



\*Members always get \$200 off the standard registration fee of \$995. And if you register by Oct 1st, you'll save another \$100. Making your registration only \$695!

At the event you'll enjoy some great perks:

- Members Only Check In Line at Registration
- Gift at Check In
- Early Access and Trolley Transportation with Drinks to Meet and Greet Event



# GRANTS MADE SIMPLE

At eCivis, we help tribal governments simplify the entire grants process through our innovative grants management software and services, so you can focus on your most important missions and deliver greater impact in your communities.



eCivis



## MANAGE FULL GRANTS LIFECYCLE

Save time, dollars, and hassle when you take the grunt work out of finding, acquiring, and managing grant awards through eCivis' grants management system.



## CALCULATE INDIRECT COSTS

Get more from your grant funding by developing and tracking your budgets and indirect costs through eCivis' cost allocation software, Allocate™.



## NEGOTIATE INDIRECT COST RATES

Boost revenue opportunities by re-negotiating your indirect cost rate and determining the true cost of your services with eCivis' Indirect Cost Planning services.

Since 2000, eCivis has been empowering its customers to enrich the communities they serve by simplifying and transforming the grant funding process. As the most widely used SaaS grant management system in the public sector, eCivis is trusted to guide its customers through the grants process. eCivis solutions are powering the efforts of thousands of state, local and tribal government agencies to maximize grant revenues, track financial and program performance, and prepare cost allocation plans and budgets. For more information, visit [www.ecivis.com](http://www.ecivis.com).

Contact us at [Info@ecivis.com](mailto:Info@ecivis.com)

eCivis, a GTY Technology business