

Pandemic Emergency Assistance Fund

April 15, 2021



PEAF and 477 Tribes

- On March 19, 2021 ACF issued a “Dear Tribal Leader” inviting tribes to consultation for PEAFF funds. In the letter, OFA expressed the viewpoint that PEAFF was not eligible for inclusion in 477, and that OFA would be awarding allotments directly to tribes.
- On March 26, 2021 a consultation webinar was held and written comments were due on April 2, 2021.
- During the consultation process, strong and repeated concerns were expressed about OFA’s proposal to not include PEAFF in 477 plans and engage 477 tribes and tribal consortia directly rather than transferring funds through BIA.
- As a result of consultation, OFA has reconsidered its approach and agrees that because TANF is already a program approved for inclusion in a 477 plan, PEAFF funds under section 403(c) of Title IV-A may also be transferred to BIA for tribes who are currently approved to integrate their TANF programs in a 477 plan.



Pandemic Emergency Assistance Fund

- The American Rescue Plan Act of 2021 creates a new section 403(c) of the Social Security Act
- \$1 billion Fund to assist needy families impacted by the COVID-19 pandemic
- Eligible Entities:
 - States including the District of Columbia
 - Tribes operating a program funded under TANF
 - All 5 US territories: Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands

Funding Allotments to Tribes & Territories

The law specifies:

- 7.5 percent of funds (\$74,850,000) are set aside for tribal TANF programs and all five US territories, to be distributed in a manner deemed appropriate by HHS
- Allotments are based on a tribe's or territory's existing share of the total TANF funds distributed to tribes and the territories.
- The proportional distribution of current TANF funds among tribes are being maintained with these new funds.



Tribal Use of Funds

- The Act states that grantees may only use funds for certain non-recurrent, short term (NRST) benefits as they are defined in the 196-R.
- NRST benefits must meet the regulatory definition and be limited to those that fall into the specific expenditure reporting category mentioned in the legislation
 - designed to deal with a specific crisis situation or episode of need
 - must not be intended to meet on-going needs
 - must not extend beyond four months
- All families have been subject to the COVID-19 crisis but any recipients of emergency assistance funding would still be required to meet income eligibility requirements for needy families for non-recurrent short term benefits established by the tribe.



Tribal Use of Funds (NRST Benefits cont.):

- must only include expenditures such as:
 - emergency assistance and diversion payments,
 - emergency housing and short-term homelessness assistance,
 - emergency food aid,
 - short-term utilities payments,
 - burial assistance,
 - clothing allowances, and
 - back-to-school payments
- may **not** include tax credits, child care, transportation, or short-term education and training

Tribal Use of Funds

- Tribes may have a separate definition of “needy” for PEAFF NRST benefits than the one used for NRST benefits in the Tribal Family Assistance Plan (TFAP)
- Tribal grantees may use funds for administrative costs up to the percentage currently identified in their approved Tribal TANF plan or 477 plan. OFA believes that Congress in general intended for no change in administrative expenses cap for the PEAFF grant versus the regular tribal grant, including no change for tribes.
- Tribal grantees must use funds to supplement, and not supplant, other federal, state, tribal, territorial, or local funds.

Tribal Timeline for Requesting and Expending Funds

Expenditure Commitment Requirement

- Tribes and territories have 90 days from enactment, that is until **June 9, 2021**, to request funds up to their maximum allotment
- An allotment request form has been distributed soon and may be returned to PEAF@acf.hhs.gov.

Timeline for Expending Funds

- Grantees shall expend initial allotments between April 1, 2021 and September 30, 2022
- Grantees must expend the funds or, per the Act, they are subject to reallocation.

Tribal Reallotment

HHS will reallot any unused funds, to be expended within 12 months of receipt.

- OFA will reallot any funding not allotted in the original issuance of awards, and any funds received by a state, tribe, or territory that are unobligated or unliquidated at the end of fiscal year 2022.
- Of the total amounts of funds to be reallotted, 7.5 percent shall be reallotted to territories and tribes.

Reporting

Expenditure data will be reported quarterly on a modified ACF-196T form

 U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES				
TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) ACF - 196T FINANCIAL REPORT				
TRIBE Name:	GRANT AWARD YEAR:		SUBMISSION:	
EMPLOYER ID NUMBER (EIN):	REPORT PERIOD:		ORIGINAL <input type="checkbox"/> REVISED <input type="checkbox"/>	
	From:	To:	QUARTERLY <input type="checkbox"/> FINAL <input type="checkbox"/>	
REPORTING ITEMS	COLUMN (A) FEDERAL TFAG FUNDS	COLUMN (B) STATE CONTRIBUTED MOE FUNDS	COLUMN (C) TRIBAL FUNDS	COLUMN (D) PANDEMIC EMERGENCY FUND (Authorized by ARPA)
1. TOTAL FEDERAL FUNDS AWARDED	\$	\$		\$
EXPENDITURES ON ASSISTANCE				
2a. Cash Assistance Payments (Basic Assistance)	\$	\$		
2b. Other Assistance Expenditures	\$	\$		
2c. TOTAL ASSISTANCE EXPENDITURES	\$	\$		
EXPENDITURES ON NON-ASSISTANCE				

196T- ARPA

Reporting for 477 Tribes

Further consideration will be given to the frequency, forms, and mechanism for reporting to ensure that statutory requirements are fulfilled while also taking into account tribes' participation in 477. For the purpose of spending plans and tracking expenditures, tribes should keep in mind the following PEA requirements:

- Funds must be used for NRST benefits.
- Grantees must use funds to supplement, and not supplant other funds.
- The negotiated administrative cost cap associated with the approved 477 plan will apply.
- The same time limits for expenditures apply.
- The NRST benefits and administrative costs must be tracked. When expenditure data is reported it will be used to determine the amount of funds remaining for reallocation.

Questions

