



American Rescue Plan Act (ARPA) PANDEMIC RELIEF PAYMENT Program Policy and Rules

Approved by Tribal Council on January 24, 2022

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I. Purpose; Use of Funds; Payment Considerations

A. Purpose.

The Cheyenne River Sioux Tribal Council approved Resolution #_____-2021-CR on January 24, 2022, which authorizes a payment of \$2,000.00 to any enrolled tribal member who needs additional economic assistance due to the continued 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 Act ("ARPA"), which was enacted by Congress in response to the COVID-19 public health emergency. The FRF funds within ARPA 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 ARPA 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 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 Pandemic Relief Payment cash relief program, the Tribe considered whether and the extent to which tribal members continue to experience a negative economic impact from the COVID-19 pandemic, which has been prolonged and exacerbated by lethal emerging variants such as Delta and Omicron.
- When assessing whether a tribal member suffers additional economic harm as a result of the continuing pandemic, the Tribe presumes that a household that is experiencing or did experience (1) unemployment, (2) increased food insecurity, (3) 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 continues to suffer 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 are or were occurring.
- All members who reside on the Cheyenne River Sioux Reservation are or have been subject to quarantine orders, travel restrictions, stay-at-home orders, mask mandates, curfew hours, and school closures in order to reduce the transmission of the COVID-19 virus, including the Delta, Omicron, and other variants. Other tribal members who do not reside on the Reservation are or have also been subject to similar prevention mechanisms in their own communities of residence. While these modifications to daily life are necessary to prevent the spread of the virus, they have had a continuing 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 prolonged pandemic has had significant emotional and financial impacts on these members.
- Many tribal members' living situations continue to be unpredictable, unstable, and in some cases, undesirable as a result of the prolonged 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 prolonged 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. Mainly due to emerging virus strains, the nation's economy is still struggling to recover. These tribal members' economic recovery may take years to occur.
- Our young school-age Tribal members continue to suffer through the pandemic, and these impacts may have long-term economic consequences on them. Many CRST young members who are disproportionately served by remote education because of the pandemic lack the physical, technological, or parenting resources to participate fully in remote schooling. Many homes did not and still do not have access to the internet, so the kids cannot 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. Instructional time for school-age tribal members has been greatly reduced. The pandemic, therefore, has likely widened the educational disparities and worsened long-term economic outcomes for these young Tribal members.
- As described in the Treasury's 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. An additional cash assistance payment to our youngest members will continue to help alleviate their immediate economic burdens and keep them from slipping farther behind their peers as they grow older and as the pandemic recovery drags on.
- As the economy recovers at a much slower pace than expected, the effects of the pandemic-related recession continue to impact households, including a risk of longer-term effects on

earnings and economic potential for all Tribal members. For those reasons, the Cheyenne River Sioux Tribe sees a need to provide additional cash assistance to its eligible members.

II. Program Operations, Eligibility, Terms and Conditions

A. Program Beginning and Ending Dates.

Applications for the CRST ARPA Pandemic Relief Payment (“PRP”) payment program will be available beginning on January 26, 2022. Applications will be accepted and processed on a rolling basis until June 1, 2022, when the PRP program closes. Any funds not distributed through the PRP payment program by September 30, 2022, will return to the Tribe's Fiscal Recovery Fund.

B. Pandemic Relief Payment Office.

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

CRST ARPA Pandemic Relief Payment Office
24332 Highway 212
PO Box 590
Eagle Butte, SD 57625
Phone: 605-964-8388
Fax: 605-220-5290
Email: crstarpacoordinator@gmail.com

C. Accessing PRP Application.

The CRST Pandemic Relief Payment Application (“PRP Application” or “Application”) can be accessed beginning on January 26, 2022, via the Tribe’s website at: www.cheyenneriversiouxtribe.org. Blank Application forms can also be picked up in person at the PRP Office, or they can be sent to tribal members via email or US Postal Service. Tribal members may call or email the PRP 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 PRP Application.

All questions on the Application must be answered truthfully and entirely. Incomplete applications will be rejected. The check will be issued to the name listed on the member’s Enrollment Record at the CRST Enrollment Office. If an applicant’s legal name has not been updated with the Enrollment Office, they must do so before they apply for a PRP check. Applications must be signed. The tribal member’s signature on the Application is attesting to the accuracy and truthfulness of the information provided. False or fraudulent information provided or actions taken in an attempt to access benefits to which an individual is not eligible to receive will result in civil and/or criminal prosecution.

E. Submission of the PRP Application.

Completed PRP Applications can be submitted to the PRP Office in person, via US Postal Service, email, or fax using the contact information listed in Paragraph B above. 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. PRP applications submitted via email, fax, or US Postal Service must be notarized. Applications are assigned a tracking number at the time of submission. Applications that are postmarked, emailed, faxed, or submitted in person on or before June 1, 2022, will be accepted. The originals of any emailed or faxed applications do not need to be sent in or dropped off in person. They should be retained by the applicant.

F. Review of Applications.

All applications are reviewed to ensure that the applicant meets the eligibility criteria for a CRST Pandemic Relief Payment. Enrollment information is verified. The application is reviewed to confirm that the applicant indicates that they continue to be (1) below the federal low-to-moderate income threshold, (2) unemployed, (3) experiencing food insecurity, or (4) experiencing housing insecurity due to the COVID-19 pandemic. If the applicant states that none of these factors apply, the application is then reviewed to determine whether the applicant continues to meet any other eligibility criteria to receive a PRP payment. If an application includes requests for PRP payments to minors, the application is reviewed to verify that a “Parent-Guardian Authorization” form is attached and that the applicant is legally authorized to receive the minor’s PRP payment.

G. Denial of Applications.

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

H. Distribution of PRP Payments.

If an application is approved, the PRP payment check(s) will be sent to the recipient via US Postal Service within 4-6 weeks. ACH, wire transfers, or other electronic payments are not being made. No in-person distribution of checks will occur. The PRP check will be mailed to the address listed on the application, and it is the applicant’s responsibility to ensure that whoever receives the mail at that address will give the check to the applicant.

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

The Tribe will retain all PRP Applications received as long as required to meet federal audit guidelines. The Tribe will take steps to keep the financial information contained in applications confidential, but the Tribe may be required to provide information to the U.S. Treasury Department to demonstrate compliance with the ARPA, FRF, and applicable regulations and guidelines. In addition, the Tribe may use aggregated, non-personally-identifiable 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 January 19, 2022. Individuals who are enrolled at another tribe *and* enrolled at CRST (“dual enrolled”) are not eligible to receive a CRST PRP payment.

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’ PRP payments.*** If there is any question or uncertainty over who should receive a minor child’s PRP payment, the check will be held by the Tribe until satisfactory documentation is received that ensures the minor child’s PRP payment is being given to an adult who has permanent and continuing legal and/or physical custody of the child and who will utilize the funds to provide economic assistance to the child. If satisfactory documentation is not received prior to the close of the PRP program on June 1, 2022, regarding which adult is the proper recipient of a minor child’s PRP check, the funds will be returned to the Tribe’s Fiscal Recovery Fund.
2. If an applicant is applying for a minor Tribal member’s PRP check, ***the applicant must attach a properly completed and signed PRP Form “Parent-Guardian Agreement as to PRP Payment to Minor Child(ren).”*** If there is no Parent-Guardian Agreement submitted with an application that contains a request for PRP payment(s) for minor children, the child(ren)’s check will not be released. By claiming a PRP payment for eligible minor children, the applicant releases 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 B.
3. ***The information contained in the Parent-Guardian Agreement will be verified.*** An applicant who is requesting a minor child’s PRP check must provide current valid documentation that they are lawfully entitled to receive the child’s PRP payment. Documentation could include a current and valid permanent (not emergency or temporary) 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 PRP payment is being given to an adult who has permanent and continuing 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 PRP payment for an adult who has been declared legally incompetent by a court (“ward”).
2. A PRP 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. Payments to Deceased Members

1. An eligible Tribal member who was alive as of the date the PRP Program began and who submitted a PRP application before the close of the PRP Program, but who died before the receipt of their check, may still receive a PRP check. The Personal Representative or Executor of the deceased Tribal member's estate may receive the decedent's PRP check provided that he/she provides legally valid documentation showing that they are authorized and empowered to handle the decedent's estate.
2. A Tribal member who does not submit a PRP application prior to his/her death is not eligible to receive a PRP check.

N. Payments to Members who are Incarcerated or Banished

1. Tribal members who are incarcerated may still receive a PRP check by submitting a valid application. After determining that an incarcerated member meets the eligibility criteria, the Tribe will mail the check to whatever address the incarcerated member lists on his/her application.
2. Tribal members who have been banished but not disenrolled may still receive a PRP check, provided that they apply and meet the eligibility criteria. The Tribe will mail the check to whatever address the banished member lists on his/her application. Tribal members who have been disenrolled are not eligible to receive a PRP check.

O. Payment for COVID-related Economic Needs Only.

Assistance is being given only to address continuing and additional 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 prolonged COVID-19 pandemic. ***The PRP payment is not a per capita payment nor is it an entitlement payment.*** In order for the Tribe to determine whether an applicant continues to be negatively economically impacted by the pandemic (and therefore eligible for a PRP), they must answer all questions presented on the application form and sign the application, certifying its truth and accuracy.

P. 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 as attested to in the application, and they must furnish a copy of such evidence to the Tribe upon demand.

Q. Member Responsible for Taxes, If Any Required.

While PRP 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.

- R. No Obligation Upon Tribe.
Nothing in the CRST ARPA Pandemic Relief Payment Program creates any legally enforceable obligation against the Tribe or waives the sovereign immunity of the Tribe or any of its agents or employees.
- S. Accuracy and Truthfulness of Application Contents.
The information submitted in the PRP 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 ARPA Pandemic Relief Payment Program is punishable under tribal and/or federal law.

III. Program Modifications; Effective Date

- A. Program Modifications.
The CRST ARPA Pandemic Relief Payment program may be modified as needed to comply with any updates by the US Dept of Treasury governing these funds.
- B. Effective Date.
This “CRST ARPA Pandemic Relief Payment Program Policy and Rules” becomes effective on the date it is approved by Tribal Council.