

Stimulus Funding for Indian Country

KIVA Institute, LLC

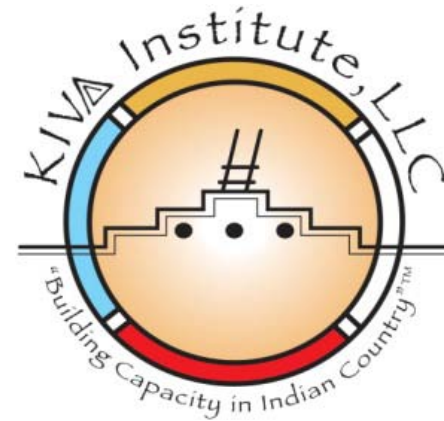
Complimentary Overview

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ARRA History

- The American Recovery and Reinvestment Act (ARRA) was signed into law by President Obama in Denver, Colorado on February 17, 2009.
- ARRA includes spending for federal fiscal years 2009 through 2010.
 - The Congressional Budget Office (CBO) estimates most of the economic stimulus-spending will occur in federal fiscal year 2010.



History

- Historically, United States government turned to public works to shore up economy during times of crisis
- Presidents Lincoln, Roosevelt, Eisenhower put Americans to work again, building nation's railroads, dams, power lines and interstate highways
- The American Recovery and Reinvestment Act of 2009 is no exception

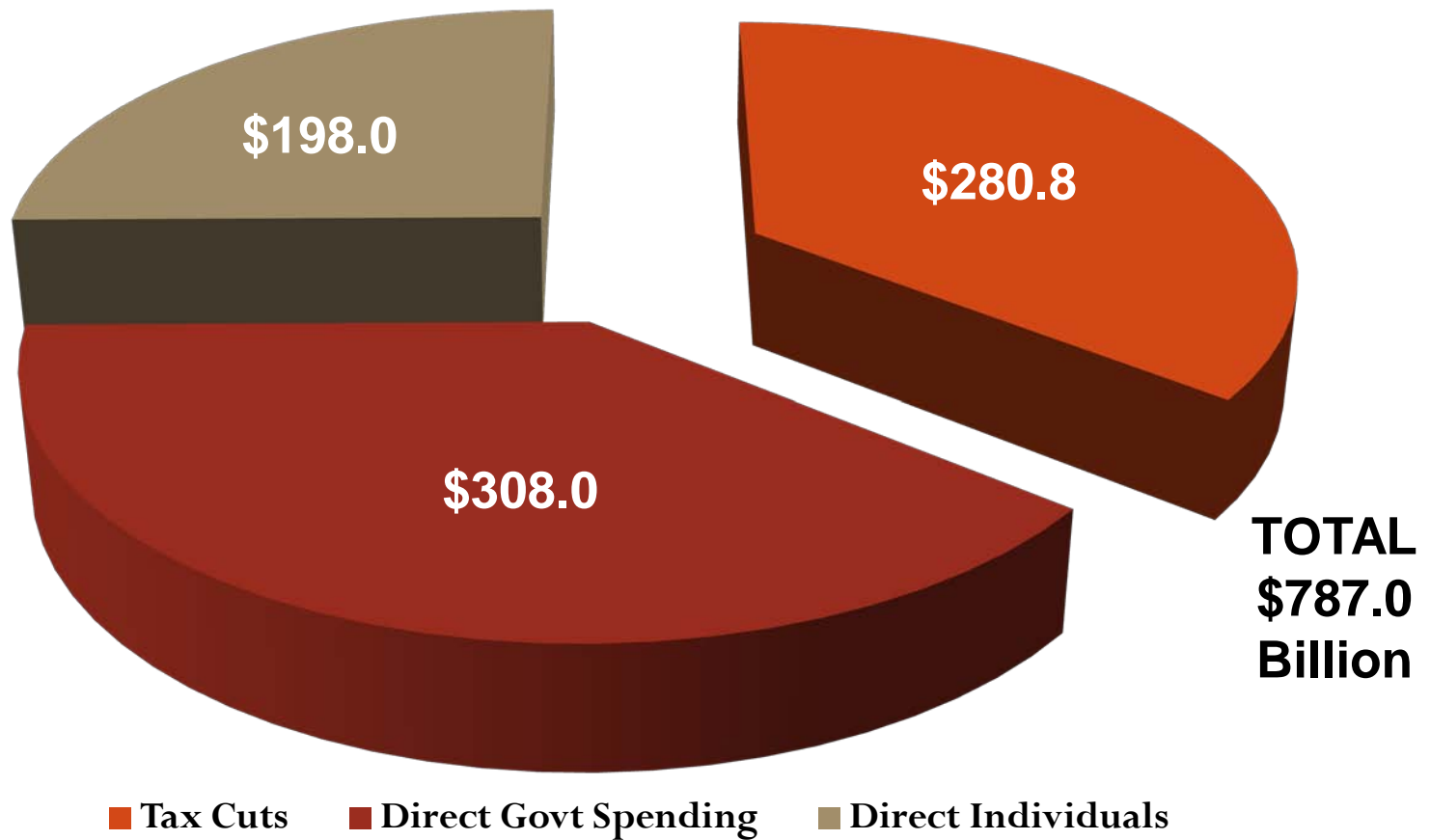
Recovery Act Provides

- Recovery Act provides over \$787.0 billion in spending and tax cuts
- Recovery Act provides great opportunities for Indian tribes to take advantage of federal funding for projects and program
- Recovery Act provides over \$2.5 billion in direct federal programs to Indian Country

Components of Stimulus Plan

- **ARRA provides nearly \$787 billion in government spending and tax cuts**
 - **Division A** - Discretionary spending primarily to governments (**\$308.0**)
 - States, local governments and Indian tribes in the form of grants, cooperative agreements, loans, or insurance
 - **Division B** - Direct spending to individuals (**\$198.0**)
 - Unemployment benefits, COBRA premium assistance, Medicare, Medicaid and incentive payments to medical providers who adopt electronic health records
 - **Division B** - Tax cuts to individuals (**\$280.8**)

Components of Economic Stimulus Plan



Indian Programs Funded

- Transportation Programs (Roads, Bridges, Road Maintenance, Transit)
- Housing Programs (HUD Block Grants, HIP, Rural Housing)
- Public Safety Programs (Correctional Facilities, COPS Grants)
- Health Programs (Hospitals, Clinics, Sanitation Facilities, Infrastructure)

Indian Programs Funded

- Education & Social Service Programs (School Construction & Rehabilitation, Head Start, TANF)
- Water Projects (Tribal Drinking Systems)
- Food and Nutrition Programs (Elderly Nutrition, WIC)
- Environmental Programs (Watershed and Flood Prevention, Hazardous Materials Abatement, Brownfields, Wildland Fire)

Indian Programs Funded

- Energy Programs (Weatherization, Renewable Energy)
- Telecommunication Programs (Broadband)
- Economic Development (YouthBuild, Workforce Training, CDFIs, Tax Advantage Bonds)

President Obama

“We’re going to have to work really hard to have to make sure that every single dollar is well spent. We’ve got to go above and beyond what I think is the typical ways of doing business in order to make sure that the American people get the help that they need and that our economy gets the boost that it needs.”



Accountability and Transparency

- **Recovery Act sets unprecedented levels of accountability and transparency rules:**
 - Establishment of the Recovery Accountability and Transparency Board (RAT)
 - General Accountability Office (GAO)
 - Office of Management and Budget (OMB)
 - Office of Inspectors General (OIG)

Accountability and Transparency

- **Recovery Act sets unprecedented levels of accountability and transparency rules:**
 - President's March 20, 2009 Memorandum "Ensuring Responsible Spending of Recovery Act Funds"
 - Newly created Recovery Accountability and Transparency Board (RAT)

Office of Management & Budget

- **Objectives**

- Funds are awarded and distributed in prompt, fair and reasonable manner
- Use of funds are transparent to the public
- Public benefits are reported clearly, accurately, timely

**OMB Guidance February 18, 2009
(Updated April 3, 2009)**

General Provisions of Title XVI

- **Section 1602.** Infrastructure Investments – preference must be given to projects that can be started and completed immediately. Law sets goal of having 50% or more of the funds for projects started not later than 120 days after enactment.
 - **Projects must be “Shovel Ready”**
- **Section 1603.** Funds remain obligated until September 30, 2010 - **“Use it or Lose It”**

General Provisions of Title XVI

- **Section 1604.** No funds will be used for casinos, aquariums, zoos, golf courses or swimming pools
- **Section 1605.** Infrastructure projects must be accomplished using iron, steel and manufactured goods produced in the United States, except if the use of domestic products is –
 - Inconsistent with public interest
 - There are insufficient or unreasonable quantities available or the quality will be unsatisfactory
 - Likely to increase the cost of the overall project by more than 25%

General Provisions of Title XVI

- **Section 1606.** All laborers and mechanics employed by contractors and subcontractors shall be paid at local prevailing wages (Subchapter IV of Chapter 31 of Title 40, U.S.C.). Davis-Bacon
- **Section 1608.** Emergency Economic Stabilization Act (EESA) of 2008 is amended concerning individuals with disabilities (handicapped individuals).
- **Section 1609.** Funds must be made available to ensure compliance with NEPA in an expeditious basis.

General Provisions of Title XVI

- **Section 1610(b)**. Contracts under the Indian Self-Determination Act, Tribally Controlled Schools Act, Sanitation and Facilities Act, NAHASDA and Buy-Indian Act shall incorporate provisions to ensure agreements conform with AARA regarding the timing and transparency, oversight, reporting and accountability.
- **Section 1611**. Unlawful to hire immigrants unless the recipients unless the recipient is in compliance with H-1B dependent employer.

General Provisions of Title XVI

- **Section 1612**. Transfer of 1% of the appropriations made available under ARRA may be made within programs within the current fiscal year so long as they meet same stated purposes.
- **Section 1511** – For Infrastructure Investments
 - State Governor, mayor, chairman must certify that project received full vetting
 - State Governor, mayor, chairman accepts full responsibility for proper use of funds

Other Recovery Act Provisions

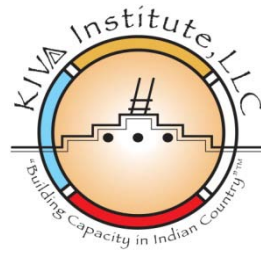
- **Section 1512(c)** – Reporting Requirements
 - Quarterly Reports due 10 days after each quarter
 - How much you received
 - How much you spent for the quarter / total
 - How you spent the funds (list of projects)
 - List of Subcontractors
 - Estimated number of jobs created
 - Contact name

Other Recovery Act Provisions

- **Civil Rights Compliance** – Compliance with Title VI of Civil Rights Act of 1964; Rehabilitation Act of 1973 and Education Amendments of 1972, Age Discrimination Act of 1975:
 - March 4, 2009 Memorandum from Acting Assistant Attorney General for Civil Rights, Department of Justice
- **Anti-Lobbying** – Anti-Lobbying Act (18 USC §1913)
- **Financial Audit Requirements** – Single Audit Act
- **Whistle Blower Protection**

ARRA Impacts on Self Determination Contracts & Compacts

- **Section 1610(b)** allows use of existing Self-Determination contracting authorities with Indian tribes and to incorporate provisions to conform the agreement with the provisions of ARRA regarding
 - Timing for use of funds
 - Transparency, Oversight, Reporting
 - Accountability, including review by the Inspectors General, the Accountability and Transparency Board, and Government Accountability Office



KIVA's Extensive ARRA Database

is comprised of allocations by Department and spending initiatives. In addition, we have compiled information on competitive and non-competitive funding opportunities.

**“KIVA” is Indian Country’s Authority on the
American Recovery & Reinvestment Act**

**Attend our session on Indian Country Stimulus Funding
and learn of funding opportunities to help meet your
needs and goals. In addition, you will receive copy of
our valuable ARRA Reference Guide.**

**Let the KIVA Team help you prepare your
projects for funding**

In Conclusion



- *“This historic step wont be the end of what we do to turn our economy around, but rather the beginning. The problems that led us into this crisis are deep and widespread and our response must be equal to the task”.*
- *“It will take time, and it will take effect, but working together, we will turn this crisis into opportunity and emerge from our painful present into a brighter future.”*