

WASHINGTON, DC OFFICE

Wendy Helgemo  
[whelgemo@bigfirelaw.com](mailto:whelgemo@bigfirelaw.com)

NEBRASKA OFFICES

1404 Fort Crook Road South  
Bellevue, NE 68005  
531-466-8725  
[info@bigfirelaw.com](mailto:info@bigfirelaw.com)

515 N. Ho-Chunk Plaza, Ste. A  
Winnebago, NE 68071  
402-878-4383

Sheila Corbine  
[scorbine@bigfirelaw.com](mailto:scorbine@bigfirelaw.com)

[Bigfirelaw.com](http://Bigfirelaw.com)



## ALL CLIENT ALERT

---

**TO: ALL CLIENTS**  
**FROM: BIG FIRE LAW & POLICY GROUP LLP**  
**DATE: MARCH 12, 2021**  
**RE: AMERICAN RESCUE PLAN OVERVIEW**

---

### THE AMERICAN RESCUE PLAN ACT OF 2021 COVID-19 RELIEF AND RECOVERY

On March 11, 2021 President Joe Biden signed into law the American Rescue Plan Act of 2021 (“ARP”). This \$1.9 trillion package is the largest single investment in the American people ever. Broad goals of the law are to get vaccinations into arms, support families, continue to keep small businesses afloat and reopen schools. More than \$30 billion dollars will be coming to Indian Country. Please find this summary of the major tribal provisions.

The American Rescue Plan Act can read in full [here](#)

#### I. STATE, LOCAL AND TRIBAL GOVERNMENT RELIEF

\$350 billion to State, Local and Tribal Governments to respond to the COVID-19 public health crisis including government services in face of reduced revenues and improvements to infrastructure related to water, wastewater and broadband.

\$20 billion has been allocated to Indian tribes. \$1 billion is to be split equally to each federally recognized Indian tribe (574). Using full agency discretion, the Department of the Treasury is to distribute \$19 billion within 60 days. It is unknown whether and how tribes will be consulted on this allocation. Fund covers costs incurred through December 31, 2024.

#### II. HEALTH

- \$14 billion for vaccine distribution
- \$34 billion in subsidies for the Affordable Care Act

- \$2.3 billion for COVID-19 vaccines, testing and tracing at the Indian Health Service
- \$2 billion for lost third-party medical billing reimbursements
- \$600 million for health facilities construction and sanitation programs
- \$500 million for clinical health services
- \$420 million for mental and behavioral health services
- \$140 million for improving health IT and telehealth access
- \$20 million to Native Hawaiian Health Care Systems
- \$17 million in Medicaid reimbursements for Native Hawaiian Health Care Systems
- \$84 million for Urban Indian Health Programs

### **III. SCHOOLS AND EDUCATION**

\$1.1 billion will go to Native education programs including \$850 million for grants to Bureau of Indian Education-operated and funded elementary and secondary schools and Tribal Colleges or Universities, \$36 million to Native Hawaiian-serving institutions, \$20 million to mitigate the impact of COVID-19 on Native languages .

### **IV. FAMILIES AND CHILDREN**

- \$1,400.00 in direct payments to individuals (\$2,800.00 per couple, \$1,400.00 per dependent. These checks will be going out immediately to 85 percent of American households.
- \$3,000 per child (\$3,600 per child under 6) Child Tax Credit
- \$100 million for tribal childcare programs and assistance
- \$75 million for tribal Temporary Assistance for Needy Families

### **V. SMALL BUSINESS, JOBS AND UNEMPLOYMENT BENEFITS**

- \$7.25 billion added to the Paycheck Protection Program (PPP) but program still closes March 31

- \$300 increase in weekly unemployment benefit through September 6, 2021
- Exempts the first \$10,200 in 2020 unemployment benefits from federal income tax for households with incomes below \$150,000 per year
- \$25 billion for restaurants, bars, and other eligible providers of food and drink
- Extends employer tax credits for paid sick and family leave through September 30, 2021

## **VI. INFRASTRUCTURE, HOUSING AND COMMUNITY DEVELOPMENT**

- \$498 million for Homeowners Assistance Program for Tribes and Native housing programs
- \$450 million for the Indian Housing Block Grant
- \$280 million for the Indian Community Development Block Grant (non-competitive)
- \$600 million economic and infrastructure investments
- \$30 million for potable water delivery
- \$5 million to Department of Hawaiian Home Lands COVID-19 Emergency Rental Assistance Program
- \$1.5 million to Department of Hawaiian Home Lands to help homesteaders
- \$4.5 billion for the Low-Income Home Energy Assistance Program (LIHEAP) to assist eligible low-income households with heating and cooling energy costs
- \$100 million for capital projects that support education, health and work. A minimum payment of \$50,000 shall be paid to each federally recognized tribe. Under full agency discretion, the Secretary of the Treasury will distribute remaining funds through grants
- \$250 million for a new Tribal economic stabilization fund for 2022/2023 called, “Tribal Consistency Fund.” In the discretion of the Secretary of the Treasury any amounts may be allocated to any tribe for any governmental purpose
- \$30 million for Public Transportation on Indian Reservations (Tribal Transit Program)
- \$5 million for Tribal Transit Program (competitive)

## VII. A FINAL NOTE – EXECUTIVE ORDER ON CONSULTATION REDUX

As the ARP programs and funding are rolled out, tribes will also be facing a stream of invitations for agency consultations across the board. The first round is namely “consultation on consultation.”

President Biden’s executive order titled, *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships* pledges to continue the tribal consultation process originally implemented by President Bill Clinton in 2000. The Executive Order requires:

- The head of each agency to submit to the Director of the Office of Management and Budget (OMB) a detailed plan to implement tribal consultations within 90 days, and requires agencies to consult with tribes as part of developing the plan
- The head of each agency to submit to the OMB a progress report on its proposed plan within 270 days, and then yearly after that
- The Director of OMB to submit to the President a progress report on each within a year

President Biden’s Consultation Executive Order can be read [here](#).

See recent Big Fire Client Alert on Tribal Consultation [here](#).

**If you have any questions or need assistance related to the American Rescue Plan of 2021, the President’s Executive Order on Consultation or any agency consultations, please contact your Big Fire Attorney.**

<b>Wendy Helgemo</b>	<b><a href="mailto:whelgemo@bigfirelaw.com">whelgemo@bigfirelaw.com</a></b>
<b>Sheila Corbine</b>	<b><a href="mailto:scorbine@bigfirelaw.com">scorbine@bigfirelaw.com</a></b>
<b>Leonika Charging</b>	<b><a href="mailto:lcharging@bigfirelaw.com">lcharging@bigfirelaw.com</a></b>
<b>Nicole Ducheneaux</b>	<b><a href="mailto:nducheneaux@bigfirelaw.com">nducheneaux@bigfirelaw.com</a></b>

### **About Big Fire Law & Policy Group, LLP**

*Big Fire Law & Policy Group is a 100% Native owned and majority woman owned national law firm providing legal representation and advocacy in a broad range of service areas, with an emphasis in tribal law and federal Indian law.*