



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

June 15, 2023

NAVAJO TRIBAL UTILITY AUTHORITY
PO BOX 170
FORT DEFIANCE, AZ 86504

ATTENTION: WALTER W. HAASE, P.E., GENERAL MANAGER

REFERENCE: 164 Review 020667/Contract

Dear Walter:

Attached please find your copy of the approved Contract (CO16000) with the Navajo Nation Office of The President and Vice President. The Contract has been awarded in the amount of \$3,810,000.00. The term of the contract will commence on March 03, 2021, and expires June 30, 2026.

The above contract number must be referenced on all invoices, documents, and correspondence as it relates to this contract.

Should you have any questions, please contact Jason John at 928-309-5532.

Sincerely,

A handwritten signature in black ink, appearing to read "Darlene Begay".

Darlene Begay, Senior Accountant
OOC – Contract Administration

xc: Jason John, Navajo Nation OP/VP
Joseph Kaulaity, CA/Navajo Nation Office of the Controller
Contract Folder: CO16000

**SUBRECIPIENT AGREEMENT
 BETWEEN
 THE NAVAJO NATION AND NAVAJO TRIBAL UTILITY AUTHORITY
 FOR
 SUBAWARD OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS
 FOR PURPOSES OF
 DRINKING WATER: TRANSMISSION AND DISTRIBUTION
 (CATEGORY 5.11)**

Name of Subrecipient Navajo Tribal Utility Authority	Phone Number (928) 729-6202
Name and Title of Person Authorized to accept funding for the Subrecipient ("Designated Official") Walter W. Haase, P.E.	Designated Official's Email Address walterh@ntua.com
Subrecipient's Mailing Address P.O. Box 170 Fort Defiance, AZ 86504	
Subrecipient's Employer Identification Number 86-020-4662	
Subrecipient's DUNS Number & Unique Entity Identifier ("UEI") Number 800021990 N545DUC9BCRI	
Federal Awarding Agency; Federal Award Identification Number ("FAIN"); Federal Award Date U.S. Department of Treasury; 21.027; May 27, 2021	
Expenditure Plan Title: Drinking Water: Transmission and Distribution, CJN-29-22, Exhibits I-4	
Period of Performance See paragraph 5(b)	Amount of Subaward, Business Unit \$3,810,000, [BU]

This Subrecipient Agreement includes and incorporates:

K211561-8785 J

1. Terms and Conditions;
2. Appendix A – Scope of Work
3. Appendix B – Budget
4. Appendix C – Disbursement Schedule
5. Appendix D – Expenditure Plan
6. Appendix E – Council Resolution Approving Expenditure Plan
7. Appendix F – Interagency Agreement between the U.S. Department of Treasury and The Navajo Nation
8. Appendix G – U.S. Department of Treasury Compliance and Reporting Guidance for SLFRF
9. Appendix H – Subrecipient's W-9
10. Appendix I – Subrecipient's Certificate of Good Standing from the Business Regulatory Department
11. Appendix J – Certificate of Insurance

A complete Subrecipient Agreement, including all Appendices, must be submitted prior to disbursement of the awarded Navajo Nation Fiscal Recovery Funds ("Subaward Funds").

TERMS AND CONDITIONS

This Subrecipient Agreement ("Agreement") is made and entered into by and between the Navajo Nation, hereinafter called the "NATION" and the Navajo Tribal Utility Authority hereinafter called the "SUBRECIPIENT." Collectively, the NATION and the SUBRECIPIENT are the "PARTIES."

WHEREAS, the U.S. Department of the Treasury ("Treasury") has allocated to the NATION funding from the Coronavirus State and Local Fiscal Recovery Fund under Section 603(b) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act ("ARPA"), for the limited purposes identified in the Interagency Agreement between Treasury and the NATION, identified as **Appendix F**, the Coronavirus State and Local Fiscal Recovery Funds Final Rule ("Final Rule") and other Treasury guidance in the form of Frequently Asked Questions, and the Compliance and Reporting Guidance for SLFRF ("Compliance and Reporting Guidance"), identified as **Appendix G**, all of which are incorporated herein by this reference.

WHEREAS, the ARPA authorizes the NATION to expend the Fiscal Recovery Funds ("FRF") awarded to the NATION for the following eligible purposes as outlined in the Final Rule as follows:

- (1) To respond to the COVID-19 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;
- (2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- (3) 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; and
- (4) To Make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the PARTIES desire to enter into this Agreement so that the NATION may provide a subaward of FRF for appropriate and qualifying expenditures of FRF to execute projects or programs outlined in the Expenditure Plan approved by the NATION through Council Resolution CJNI-29-22 as specified in **Appendix D**.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and the terms and conditions set forth below, the PARTIES agree as follows:

1. Definitions.

- a. "Disburse / Disbursement" is defined as when the Office of the Controller ("OOC") issues a check or initiates the transfer of Funds into the SUBRECIPIENT'S account.
- b. "Expenditure Plan" is the SUBRECIPIENT'S Fiscal Recovery Funds Request Form and Expenditure Plan, with budget, and supporting documents, attached as **Appendix D**.
- c. To "Incur" costs means that the SUBRECIPIENT has obligated the Subaward Funds. FRF

may be used only to cover costs incurred during the period beginning on March 3, 2021 and ending December 31, 2024.

- d. To “Obligate” funds means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.
- e. “Expend” is defined as when an expense is actually paid by the **SUBRECIPIENT**.

2. Applicability of Subrecipient Agreement and Provisions.

This Agreement, including all its Appendices, is intended to be the full and complete expression of, and shall constitute the entire agreement between the Parties. All prior and contemporaneous understandings, agreements, promises, representations, terms and conditions, whether oral or written, are superseded and replaced by this Agreement.

3. Authorized Representative and Administrative Oversight.

- a. The **SUBRECIPIENT** shall work with the Division of Natural Resources, Department of Water Resources, (“Administrative Oversight”), and its Authorized Representative with respect to this Agreement.
- b. Each Party shall appoint an Authorized Representative who has the authority and requisite experience to manage all Agreement related matters. Notice of the appointed Authorized Representative shall be provided to each Party within five (5) calendar days of the execution of this Agreement. If either party changes its Authorized Representative or their scope of authority, they shall immediately notify the other Party pursuant to Article 10.
- c. The Administrative Oversight shall serve as the administrative oversight of this Agreement including the **SUBRECIPIENT**’s compliance with applicable federal and Navajo Nation laws, regulations, and policies; and financial reporting.

4. Agreement Number.

Contract number C-_____, as assigned by the Office of the Controller, shall cover this Agreement. Reference to this number shall be made on request for release of Subaward Funds submitted by the **SUBRECIPIENT** to the **NATION** for payment.

5. Effective Date and Period of Performance.

- a. This Agreement is effective upon execution by all the **PARTIES**.
- b. The period of performance shall begin on March 3, 2021. The **SUBRECIPIENT** shall be required to incur costs meaning to obligate funds by December 31, 2024, and expend funds by June 30, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council, and with written notice provided to the **SUBRECIPIENT**. The period of performance shall end upon the acceptance and approval by the Authorized Representative, the FRF Office, OMB, and OOC of the **SUBRECIPIENT**’s final financial close out report and performance report.

6. Amount and Payment of Subaward.

- a. The **NATION** agrees to allocate and disburse the Subaward Funds to the **SUBRECIPIENT** for purposes specified in the **Appendix A— Scope of Work** by paying a sum not to exceed \$3,810,000 (“Subaward Funds”), per **Appendix B – Budget**.
- b. Payments of the Subaward Funds shall be made in installments according to the Disbursement Schedule in **Appendix C** to this Agreement, which shall be subject to approval by the FRF Office in consultation with OOC and the Administrative Oversight. The **NATION** may withhold or delay disbursements if the **NATION** determines that the **SUBRECIPIENT** has failed to comply with its obligations under this Agreement. This determination shall be made by the FRF Office in consultation with OOC and the Administrative Oversight. The **SUBRECIPIENT** must provide documentation that it has obligated or expended 75% of its prior disbursement installment before OOC will release the next disbursement installment. If the **SUBRECIPIENT** expends 75% of its disbursement installment prior to the end of a twelve-month period, the **SUBRECIPIENT** may request to the FRF Office, the Administrative Oversight, and OOC that OOC release the next disbursement installment prior to the end of that twelve-month period.
- c. No payment of Subaward Funds shall be made unless and until approved by the FRF Office, the Administrative Oversight, and OOC. All payments shall be based on actual costs. The **NATION** may request that the **SUBRECIPIENT** provide supporting documentation of actual costs, as long as requested documentation is not already included in **SUBRECIPIENT’S** quarterly reports.
- d. The **SUBRECIPIENT** shall work with the Accounts Payable Section of OOC to set up ACH (Automated Clearing House) electronic fund transfers, and shall provide OOC with an updated W-9 form on an annual basis.

7. Use and Return of Funds.

- a. FRF comprising the Subaward Funds, may only be used pursuant to Section 9901 of the ARPA and all the rules, regulations, and guidance implementing Section 9901 of the ARPA that are applicable to Tribal governments and their subrecipients. The use of FRF must also comply with all applicable Navajo Nation laws.
- b. The **SUBRECIPIENT** affirms and agrees that it shall only incur costs under the Subaward and expend Subaward Funds for the purposes outlined in **Appendix A – Scope of Work**.
- c. If any portion of Subaward Funds remain unexpended on June 30, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council, **SUBRECIPIENT** shall immediately return such portion of the Subaward Funds to the **NATION**. Upon the termination of this Agreement, the **SUBRECIPIENT** may be required to immediately return the unexpended portion of the Subaward Funds to the **NATION**.
- d. Where the **NATION** determines the **SUBRECIPIENT** expended Subaward Funds in violation of this Agreement or any applicable laws and regulations, the **SUBRECIPIENT** shall immediately return such portion of the Subaward Funds the **NATION** determined were improperly expended.

- e. If the **SUBRECIPIENT** fails to return such Subaward Funds to the **NATION** when due, the **SUBRECIPIENT** will incur a delinquent accounts receivable debt, due and owing to the **NATION**. Further, the **NATION** may offset any future payments due to the **SUBRECIPIENT** by the amount owed, and may pursue all other available legal action against the **SUBRECIPIENT**.

8. Pre-Agreement Costs.

Costs incurred before the finalization of this Agreement that are within the scope of work of the Agreement and that the **NATION** deems reasonable, allowable, and allocable to performance of the Agreement may be paid under this Agreement. This determination shall be made by the FRF Office in consultation with the Administrative Oversight and OOC. All pre-Agreement costs shall be subject to the terms of this Agreement as if such Agreement were in effect when the costs were incurred.

9. Contingency Reserve.

If the scope of work of this Agreement involves construction, the **SUBRECIPIENT** may, but shall not be required to, include a portion of the Subaward as a contingency reserve to cover cost overruns due to the inflationary costs of building materials and labor or other construction contingencies. In the event of a cost overrun due to construction contingencies, the **SUBRECIPIENT** shall first exhaust its own internal funding sources, and then may notify the Authorized Representative and Administrative Oversight of its need to access funds from the Navajo Nation Construction Contingencies Expenditure Plan approved in Section 13 of Council Resolution CJN-29-22 which are subject to an administrative approval process. If the contingency cannot be funded through the Construction Contingencies Expenditure Plan, the Administrative Oversight may choose to seek approval of a supplemental appropriation of funds through a resolution approved by the Navajo Nation Council.

10. Administrative Costs.

The **NATION** shall allow the **SUBRECIPIENT** to budget and expend two percent (2%) of the total Subaward for administrative costs. The **SUBRECIPIENT** may use funds for administering the **SUBRECIPIENT**'s FRF projects and programs under the approved Expenditure Plan, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. The **SUBRECIPIENT** is permitted to charge both direct and indirect costs as administrative costs. If the total Subaward is not fully expended within the terms of the Agreement, the **SUBRECIPIENT** shall be required to immediately return the **NATION** the remaining balance of the Subaward Funds, and an additional amount to include the 2% for administrative costs of the balance of the Subaward Funds, even if the **SUBRECIPIENT** fully expended the administration funds.

11. Availability of Funds.

The liability of the **NATION** under this Agreement is contingent upon the availability of funds pursuant to 2 N.N.C. §§ 223(A) and (B).

12. Contact Information; Notice.

Copies of all correspondence, reports, and notices under this Agreement shall be furnished to the

Authorized Representative, with a copy to the FRF Office, OOC and Office of Management and Budget (“OMB”) Contracts and Grants Section.

13. Reporting Requirements.

- a. The **SUBRECIPIENT** shall adhere to the following reporting requirements and provide the documentation requested on a quarterly basis, unless specified otherwise, to the Administrative Oversight, with a copy to the FRF Office, OOC, and OMB, within ten (10) calendar days following the end of the month.
- b. The **NATION** requires the quarterly reporting requirements listed below from the **SUBRECIPIENT**:
 - i. A detailed report that compares budgeted expenditures to actual expenditures for costs incurred;
 - ii. Completion of the OMB Program Performance Criteria Form;
 - iii. A narrative report providing quarterly project assessment, including a summary of project activities, accomplishments with dates, impediments encountered, and impediments forecasted with planned responses;
 - iv. A listing of all property purchased with the Subaward Funds costing \$5,000 or more with an expected useful life of more than one year, such as buildings, vehicles, machinery, and equipment; and
 - v. Other data, records, information, and maps related to the progress of the project, that document changes made to the project since the previous quarterly report.
- c. The **NATION** finds that the **SUBRECIPIENT** is currently low risk. At any time during the term of this Agreement the FRF Office, in consultation with OOC and the Administrative Oversight, may perform a risk assessment on the **SUBRECIPIENT**. The risk assessment may include consideration of such factors as: the **NATION**'s evaluation of the **SUPRECIPIENT**'s past performance in the context of other subawards, grants, contracts, or other transactions and business opportunities; the **SUBRECIPIENT**'s prior experience with similar subawards; the results of previous audits and whether the **SUBRECIPIENT** receives a Single Audit; whether the **SUBRECIPIENT** has new personnel or new or substantially changed systems; and the extent and results of federal funding agency monitoring. The **NATION** may repeat its risk assessment evaluation of the **SUBRECIPIENT** at any time during the term of this Agreement. Additional considerations may include the **SUBRECIPIENT**'s compliance or noncompliance with reporting requirements and other terms and conditions of this Agreement.
- d. Depending on the **NATION**'s assessment of risk posed by the **SUBRECIPIENT**, the **NATION** may impose additional monitoring tools to ensure the **SUBRECIPIENT**'s accountability and compliance with Subaward requirements and achievement of performance goals. This could include the **NATION**: providing the **SUBRECIPIENT** with training and technical assistance on program-related matters; performing on-site reviews of the **SUBRECIPIENT**'s program operations; and imposing additional reporting requirements and other compliance monitoring procedures.
- e. If the FRF Office, in consultation with OOC and the Administrative Oversight, determines that the **SUBRECIPIENT** poses a moderate or high risk for noncompliance with federal laws,

regulations, and the terms and conditions of this Agreement the **NATION** may require the following additional reporting:

- i. a detailed line-item expenditure report, with General Ledger detail, for the month reported;
 - ii. supporting documentation for any individual expenditure greater than twenty-five thousand dollars (\$25,000) incurred during the month reported; and
 - iii. a reconciliation of the Subaward Funds, starting with the beginning balance, cash received, disbursements to date, program income (if applicable), and ending balance.
 - iv. If the FRF Office, in consultation with OOC and the Administrative Oversight, determines the **SUBRECIPIENT** poses a moderate to high risk, this section 13(c) will apply. The **NATION** may require additional and more frequent reporting, including requiring monthly rather than quarterly reporting.
- f. The **SUBRECIPIENT** may be required to attend a training on the eligible uses of the Subaward Funds based on past experience with managing federal awards programs or on the **NATION'S** risk assessment of the **SUBRECIPIENT**.
- g. If the **SUBRECIPIENT** fails to timely submit such required reports or if the **SUBRECIPIENT'S** reports show lack of progress and/or low expenditure, it shall be in default under this Agreement. The **NATION** shall not disburse any Subaward Funds until the required reports are submitted.
- h. The **SUBRECIPIENT** shall submit a final financial closeout report providing a final accounting of the uses of the Subaward Funds, which should be supported by documentation, including but not limited to receipts, invoices, contracts, listing of all property purchased with the Subaward Funds costing \$5,000 or more with an expected useful life of more than one year, and payroll records. This final report must be submitted the earlier of forty-five (45) days after June 30, 2026 unless an earlier or later date is determined by the **NATION** through a resolution of the Navajo Nation Council or a Standing Committee of Council or thirty (30) days after the completion of all projects within the scope of work of this Agreement. If, however, this Agreement is terminated, the final financial closeout report is due thirty (30) days after termination of the Agreement. If the Subaward Funds are being disbursed on a reimbursement basis according to the disbursement schedule attached as **Appendix C**, the **NATION** shall not release the final disbursement of Subaward Funds until the final financial closeout report is submitted to Administrative Oversight, the FRF Office, OOC, and OMB, and is reviewed and approved by OOC. If the **SUBRECIPIENT** fails to timely submit a final financial closeout report, it shall be in default on this Agreement and shall return the Subaward Funds in full to the **NATION** within fifteen (15) days following the reporting deadline. The **SUBRECIPIENT** shall be required to return these Subaward Funds without first receiving Notices of Default or Termination from the **NATION**.
- i. The **SUBRECIPIENT** shall keep detailed and accurate records of all expenditures and receipts related to this Agreement, and shall provide the **NATION** with any requested reporting summarizing actual expenditures, including but not limited to:
- i. Inventory listing of all property purchased with the Subaward Funds costing \$5,000 or more with an expected useful life of more than one year;

- ii. Documentation that the costs incurred were reasonable;
 - iii. Payroll records;
 - iv. General ledger;
 - v. Cash disbursements journal;
 - vi. Contracts and purchase orders with contractors and vendors;
 - vii. Vendor invoices;
 - viii. Expenditure reports; and
 - ix. Debt agreements.
- j. The **SUBRECIPIENT** shall also assist the Administrative Oversight to prepare and present quarterly reports to its legislative oversight committee of the Navajo Nation Council in accordance with the requirement in Section 15 of CJN-29-22.
- k. All financial reporting and record keeping requirements shall survive the expiration and termination of this Agreement.

14. Ownership of Work Product.

- a. The **SUBRECIPIENT** shall retain title and complete ownership of improvements including but not limited to facilities and equipment (herein after "improvements") installed, constructed, repaired or replaced under this Agreement. The **SUBRECIPIENT** shall have the full right to use improvements owned by the **SUBRECIPIENT** for purposes of operating and maintaining the **SUBRECIPIENT'S** total system.
- b. The **SUBRECIPIENT** will be responsible for the operation and maintenance of the improvements awarded under this Agreement and the **SUBRECIPIENT** will not seek additional operation and maintenance costs of the project awarded within this Agreement.
- c. The **SUBRECIPIENT** shall not use Navajo Nation work product, proprietary information, trademarked information, logos, or seals, in any manner without written permission of the **NATION**.

15. The Nation's Right to Inspect Places of Business and to Inspect and Audit Books and Records.

- a. The **SUBRECIPIENT** agrees that the **NATION** may, at reasonable times, inspect the part of the plant or place of business and the project worksites of the **SUBRECIPIENT** that are related to the performance of this Agreement; and the **SUBRECIPIENT** further agrees that the **NATION** and its auditors, may at reasonable times and places, inspect and audit the **SUBRECIPIENT** books and records to the extent that such books and records relate to the performance of this Agreement. The **SUBRECIPIENT** shall maintain such books and records, and such books and records of any Subcontractor, for at least five (5) years after all Subaward Funds have been expended by the **SUBRECIPIENT** or returned to Treasury by the **NATION**, or from the date of final payment under this Agreement, whichever is later.
- b. Further, the **SUBRECIPIENT** agrees to include in any Subcontractor agreement related to this Agreement, provisions that the Subcontractor agrees (i) that the **NATION** may, at

reasonable times, inspect the part of the plant or place of business of the Subcontractor that is related to the performance of this Agreement; (ii) that the NATION may, at reasonable times and places, inspect and audit the Subcontractor's books and records to the extent that such books and records relate to the performance of this Agreement; and (iii) that the Subcontractor shall maintain its books and records related to the performance of this Agreement for at least five (5) years from the date of the SUBRECIPIENT final payment under this Agreement.

16. Debarment, Suspension, and Other Responsibility Matters.

The SUBRECIPIENT shall provide to the Administrative Oversight a signed certificate of debarment and suspension on January 1st of each year. By executing this Agreement, the SUBRECIPIENT states that, in its present form and in any other identifiable capacity, including its owners, partners, officers, members, employees, officials, agents, or parties-in-interest, to the best of the Authorized Representative's knowledge:

- a. Is not debarred, suspended, or otherwise slated for debarment, ineligible and/or excluded from participation in any federal, state, or tribal government contracting opportunities;
- b. Is not presently nor has been under criminal indictment or civilly charged by a governmental entity (federal, state, or tribal government) for fraud, forgery, falsification, theft, bribery, destruction of records, receiving stolen property, or other criminal offenses in the administration of a government contract;
- c. Has not been terminated for cause or convenience by a governmental entity (federal, state, or tribal government) in the administration of a government contract;
- d. That there is no outstanding money judgment against the SUBRECIPIENT in favor of the NATION from a court of competent jurisdiction, or a valid delinquent accounts receivable debt which is due and owing to the NATION from the SUBRECIPIENT;
- e. There is no evidence of default, materially deficient business practices, or failure to meet a material contractual or financial obligation to the NATION under any transaction, contract, or legal relationship with the NATION;
- f. There has been no failure to materially comply with applicable laws, or other material delay by the SUBRECIPIENT, resulting in monetary damages to or other detriment to the NATION that remains uncured; and
- g. Has not been found to have engaged in unlawful or criminal actions or other activities which adversely reflect on the honesty and moral character of the SUBRECIPIENT, so as to make any dealings with the Navajo Nation undesirable.

17. Evaluation and On-Site Inspection.

- a. **Progress Inspections.** The Administrative Oversight and the FRF Office will conduct periodic on-site monitoring to ensure efficient completion of the work.
- b. **Final Inspections.** Within ten (10) calendar days after completion of the project, the SUBRECIPIENT shall notify the Administrative Oversight and the FRF Office, in writing,

of completion of the work. The **SUBRECIPIENT** and the Administrative Oversight and the FRF Office shall perform a final inspection no later than fifteen (15) days from the date the Administrative Oversight and the FRF Office receive the completion notice.

18. Assignment.

- a. The **SUBRECIPIENT** shall not assign or otherwise transfer its rights, nor delegate any of its obligations, under this Agreement without prior written approval from the **NATION**. This Agreement is for the exclusive benefit of the **SUBRECIPIENT** and the **NATION**, and not for the benefit of any third party, including without limitation, any owner, partner, board member, employee, or volunteer of the **SUBRECIPIENT**.
- b. The **SUBRECIPIENT** shall not use Subaward Funds to grant subawards to other entities.
- c. The **SUBRECIPIENT** shall not pledge nor otherwise assign any monies due under this Agreement or any claim arising thereunder, to any party or parties, bank, trust company or other financial institutions.
- d. The **SUBRECIPIENT** shall immediately provide written notification to the **NATION** of any changes in the **SUBRECIPIENT'S** size or structure that would affect the **SUBRECIPIENT'S** eligibility for or ability to manage the Subaward Funds; any circumstances preventing expenditure of Subaward Funds by the **SUBRECIPIENT** for the purposes described in this Agreement; or any expenditure using Subaward Funds made for any purpose other than those for which the Agreement is intended.

19. False Statements by Subrecipient.

By acceptance of this Agreement, the **SUBRECIPIENT** makes all the statements, representations, warranties, guarantees, certifications, and affirmations contained herein. If any of the statements, representations, warranties, guarantees, certifications, and affirmations are false or if the **SUBRECIPIENT** in any other way executes the Agreement including false statements, or it is subsequently determined that the **SUBRECIPIENT** has violated any of the statements, representations, warranties, guarantees, certifications, or affirmations included in this Agreement, the **NATION** may consider such an act a default under this Agreement and may terminate or void this Agreement for cause and pursue other remedies available to the **NATION** under this Agreement and all applicable laws.

20. Conflicts of Interest.

- a. Each **PARTY** warrants that there was no improper influence involved in the granting of the Subaward to the **SUBRECIPIENT**, and each **PARTY** further warrants that it did not and will not employ, retain, or contract with any person or entity on a contingent compensation basis for the purpose of seeking, obtaining, maintaining, or extending this Agreement. Each **PARTY** agrees, warrants, and represents that no gratuity whatsoever has been or will be offered or conferred with a view towards obtaining, maintaining, or extending this Agreement.
- b. The officials and employees of the **PARTIES** shall not have any personal economic interest or special interest, direct or indirect, which gives rise to a conflict of interest or would otherwise violate the Navajo Nation Ethics in Government Law, 2 N.N.C. §§3741

et. seq., with respect to this Agreement. The **SUBRECIPIENT** shall disclose in writing to the **NATION** any potential conflict of interest, as defined in the Ethics in Government Law, affecting the Subaward Funds. The **NATION** will review all disclosed potential conflicts of interest and may terminate this Agreement according to Article 28 of this Agreement.

- c. The **SUBRECIPIENT** understands and agrees it will maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such policy is applicable to each activity funded under this Subaward. The **SUBRECIPIENT** shall disclose in writing to the **NATION** any potential conflict of interest affecting the Subaward Funds in accordance with 2 C.F.R. § 200.112. The **SUBRECIPIENT** will establish safeguards to prohibit its officers, agents, employees, and members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, self-dealing, or personal gain, whether for themselves or others, particularly those with whom they have family, business, or other ties. The **SUBRECIPIENT** will operate with complete independence and objectivity without potential, actual, or apparent conflict of interest with respect to its performance under this Agreement.

21. Fraud, Waste, and Abuse.

- a. The **SUBRECIPIENT** understands that the **NATION** will not tolerate any type of fraud, waste, abuse, or misuse (“misuse”) of Subaward Funds received from the **NATION**. The **SUBRECIPIENT** understands and agrees that misuse of Subaward Funds shall be considered an act of default under this Agreement as grounds for the **NATION** to terminate this Agreement, and may further result in a range of penalties, including suspension of current and future funds; ineligibility for, suspension, or debarment from Navajo Nation contract opportunities; recoupment and offset of monies provided under an award; and civil and/or criminal penalties. In the event the **SUBRECIPIENT** becomes aware of any allegation or a finding of fraud, waste, or misuse of funds received from the **NATION** or made against the **SUBRECIPIENT**, the **SUBRECIPIENT** shall immediately notify the **NATION** of said allegation or finding and continue to inform the **NATION** of the status of any on-going investigations into the allegations or steps being taken to remedy the finding.
- b. In accordance with 41 U.S.C. § 4712, the **SUBRECIPIENT** shall provide protections for whistleblowers. The **SUBRECIPIENT** shall not discharge, demote, or discriminate against an employee in reprisal for disclosing to the **SUBRECIPIENT**, the **NATION**, or relevant federal authorities, evidence of gross mismanagement or waste of the Subaward, an abuse of authority relating to the Subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to the Subaward.

22. Taxes.

The **SUBRECIPIENT** shall comply with all applicable Navajo Nation tax laws under Title 24 of the Navajo Nation Code and corresponding regulations as amended from time to time. The **SUBRECIPIENT** is subject to and shall be liable for payment of the Navajo Nation Sales Tax, at the prevailing rate, on gross receipts for all work performed within the territorial jurisdiction of the Navajo Nation pursuant to 24 N.N.C. § 601 *et seq.*, and the Navajo Nation Sales Tax Regulations § 6.101 *et seq.*, as amended from time to time, except that work performed within the To’Nanees’Dizi Local Government (“Tuba City Chapter”) or the Kayenta Township is subject to their respective local sales taxes as amended from time to time. In addition to being subject to

Navajo Nation Sales Tax, the **SUBRECIPIENT** is subject to local sales tax on gross receipts for all work performed within a governance-certified chapter that imposes a local sales tax pursuant to a duly enacted local tax ordinance and the Uniform Local Tax Code, 24 N.N.C. § 150 *et seq.* The **SUBRECIPIENT** is solely responsible for the payment of all applicable taxes related to this Agreement, and the **NATION** is not responsible for withholding or paying any income taxes, Federal Insurance Contributions Act (FICA) taxes, unemployment taxes, or any other taxes, from any payments owed to the **SUBRECIPIENT**, nor shall the **NATION** be responsible for remitting the **SUBRECIPIENT'S** share of employment taxes to the federal or any state governments.

23. Third Party Work.

- a. If the **SUBRECIPIENT** utilizes a third party, such as a contractor, to complete any work under this Agreement, it shall notify the **NATION**. The **SUBRECIPIENT** will submit a written request to the Authorized Representative requesting the use of a third party.
- b. The Authorized Representative shall review the request and make a determination within five (5) working days from the date of the written request to approve or deny the request. The Authorized Representative shall provide a written response of its determination to **SUBRECIPIENT**. If the Authorized Representative does not respond within the five (5) working days, the request shall be deemed approved.
- c. The use of all third parties is subject to advance written approval by the **NATION**. **SUBRECIPIENT** shall enter into sub-contract agreements that include all the same insurance, maintenance, and ownership requirements for all third parties.

24. Insurance Coverage.

The **SUBRECIPIENT** shall obtain and maintain adequate insurance coverage as recommended and verified by the Navajo Nation Risk Management Program ("RMP"). The **SUBRECIPIENT** shall provide its Verification of Insurance indicating they are in good standing with the Nation's insurance. The **SUBRECIPIENT** shall notify the Administrative Oversight, the FRF Office and the RMP, c/o The Navajo Nation, P.O. Box 1690, Window Rock, Arizona 86515 within five (5) days of any change in the insurance policy. Failure to fully comply with this provision shall render this Agreement voidable by the **NATION** discretion.

25. Modifications.

- a. The **NATION** and the **SUBRECIPIENT** may agree to modify the Agreement. Such modifications include, but are not limited to, modifying the Scope of Work, adding funds to previously un-awarded cost items or categories, changing funds in any awarded cost item or category, de-obligating awarded funds, or changing the **SUBRECIPIENT'S** Authorized Representative. The terms of any such modifications must be made in writing, and must be signed by both the **SUBRECIPIENT** and the **NATION** to take effect.
- b. Modifications must adhere to the requirements of Council Resolution CJN-29-22 and the Fiscal Recovery Fund Procedures set forth in the Budget and Finance Committee Resolution BFS-31-21. All modifications shall require review by the Department of Justice ("DOJ") for an initial eligibility determination and a determination of whether legislative approval of the modification is required. Certain modifications may require approval by the Navajo Nation Council or Committees of Council. For any modification that includes a modification of the

Project's budget, a Budget Revision Request form, shall be completed by the **SUBRECIPIENT** and submitted first to the Authorized Representative and the FRF Office for review and then forwarded to DOJ for review and the OMB for approval.

26. Remedies for Non-Compliance.

- a. If the **NATION** determines that the **SUBRECIPIENT** materially fails to comply with any term of this Agreement, whether stated in a federal or Navajo Nation statute, regulation, an assurance, legislation, a notice of award, or any other applicable requirement, the **NATION** will issue a Notice of Failure to Comply, of Suspension, or of Termination, and may take action, in its sole discretion, including but not limited to:
- i. Changing the **NATION's** risk assessment of the **SUBRECIPIENT** and requiring additional and more stringent reporting from the **SUBRECIPIENT**;
 - ii. Placing liens on the **SUBRECIPIENT's** assets purchased with the Subaward Funds;
 - iii. Temporarily withholding disbursements of Subaward Funds pending correction of the deficiency;
 - iv. Disallowing or denying use of Subaward Funds for all or part of the cost of the activity or action not in compliance;
 - v. Disallowing claims for reimbursement;
 - vi. Wholly or partially suspending this Agreement;
 - vii. Requiring return of previous disbursements of Subaward Funds;
 - viii. Prohibiting the **SUBRECIPIENT** from applying for or receiving additional funds for other programs administered by the Navajo Nation until repayment to the **NATION** is made and any other compliance or audit finding is satisfactorily resolved;
 - ix. Reducing the amount of the Subaward from the **NATION**;
 - x. Imposing a Corrective Action Plan;
 - xi. Withholding disbursements of future awards from the **NATION**, and deeming the **SUBRECIPIENT** to be ineligible for future business opportunities with the **NATION**, including but not limited to: awards; contracts; grants; leases; rights of way; licenses; loans, permits;
 - xii. Offsetting future awards and payments to the **SUBRECIPIENT**;
 - xiii. Terminating this Agreement; or
 - xiv. Taking other enforcement action or remedies, including imposing sanctions without first requiring a Corrective Action Plan, or pursuing other legal remedies.
- b. The **SUBRECIPIENT'S** costs resulting from obligations incurred during a suspension or after termination of this Agreement will not be allowable unless the **NATION** expressly authorizes such costs in the Notice of Failure to Comply, of Suspension, or of Termination. Absent such express authorization, the **SUBRECIPIENT** shall return that portion of the Subaward Funds to the **NATION**.

27. Non-Waiver.

No failure on the part of the **NATION** to act, and no delay in exercising any right hereunder shall operate as a waiver thereof; nor shall any single or partial act or exercise by the **NATION** of any right hereunder preclude any other or further exercise thereof or the exercise of any other right.

The remedies herein provided are cumulative and not exclusive of any remedy available to the NATION at law or in equity.

28. Expiration or Termination of the Agreement.

- a. The NATION may, at its sole discretion, terminate this Agreement for cause or convenience, without recourse, liability, or penalty against the NATION, upon Written Notice to the SUBRECIPIENT, without further notice to or opportunity to cure by the SUBRECIPIENT. Such notification of termination will be effective on the date of the notification, if no other effective date is specified in the Notice of Termination;
- b. The NATION and the SUBRECIPIENT may mutually agree to terminate this Agreement. The NATION in its sole discretion will determine if, as part of the agreed termination, the SUBRECIPIENT is required to return any or all of the disbursed Subaward Funds within ten (10) business days of termination. This determination and its terms shall be communicated in writing to the SUBRECIPIENT;
- c. Termination is not an exclusive remedy for the NATION, but will be in addition to any other rights and remedies provided in equity, at law, or under this Agreement. Following termination by the NATION, the SUBRECIPIENT shall continue to be obligated to the NATION for an accounting of and the return of Subaward Funds in accordance with applicable provisions of this Agreement. In the event of termination under this Section, the NATION's obligation to reimburse the SUBRECIPIENT is limited to allowable costs incurred and paid by the SUBRECIPIENT prior to the effective date of termination, and any costs determined by the NATION in its sole discretion to be allowable, reasonable, and necessary for cost-effective wind up of the allocation.
- d. Termination of this Agreement for any reason, or expiration of this Agreement shall not release the PARTIES from any liability or obligation set forth in this Agreement that is expressly stated to survive any such termination or expiration. The rights and obligations pertaining to the allocation, close-out, cooperation, and provision of additional information, return of funds, audit rights, records retention, public information, and any other provision implying survivability shall remain in effect after the expiration or termination of this Agreement.

29. Disputes; No Waiver of Sovereign Immunity.

Any and all disputes arising under, related to, or in connection with this Agreement shall be resolved first through negotiation between the PARTIES under the laws of the NATION. If negotiation does not resolve the dispute, the NATION may pursue legal action. Nothing herein shall be construed as a waiver of the NATION'S sovereign immunity.

30. Applicable Law and Jurisdiction.

- a. The SUBRECIPIENT shall comply with all Navajo Nation laws. Failure to comply with Navajo Nation law shall be an act of default, and grounds for termination of this Agreement by the NATION. The SUBRECIPIENT agrees to be subject to the jurisdiction of Navajo Nation courts and tribunals.
- b. This Agreement will be governed in all respects by the laws of the NATION, both as to interpretation and performance, without regard to conflicts of law or choice of law provisions.

Any action arising out of or in connection with this Agreement may only be instituted and maintained in a Navajo Nation court.

31. Force Majeure.

Neither the **SUBRECIPIENT**, nor the **NATION** shall be required to perform any obligation under this Agreement or be liable or responsible for any loss or damage resulting from its failure to perform so long as performance is delayed by force majeure or acts of God, including but not limited to strikes, lockouts or labor shortages, embargo, riot, war, revolution, terrorism, rebellion, insurrection, flood, or natural disaster. For the purposes of this Agreement, COVID-19 shall not be considered a force majeure. The **SUBRECIPIENT** must inform the **NATION** of any force majeure events delaying performance of its obligations in writing, with proof of receipt of notice, within three (3) business days of the commencement of such force majeure or acts of God, or will otherwise waive this right as a defense.

32. No Obligation by Federal Government.

The **PARTIES** acknowledge and agree that the federal government is not a Party to this Agreement and is not subject to any obligations or liabilities to either Party, any third Party, or any subcontractor pertaining to any matter related to this Agreement.

33. Compliance with Federal Laws, Regulations, and Executive Orders.

- a. The **SUBRECIPIENT** will comply with all applicable federal laws, regulations, executive orders, policies, procedures, and directives, which may include but shall not be limited to: the Davis-Bacon Act, 40 U.S.C. §§ 3141-3148; the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200; Procurement Standards in 2 C.F.R. Part 200 Subpart D; and applicable legal requirements cited in 2 C.F.R. Part 200 Appendix II and the **NATION**'s Intergovernmental Agreement with Treasury attached as **Appendix F**.
- b. The **SUBRECIPIENT** shall comply with all federal requirements in the ARPA; the Intergovernmental Agreement between Treasury and the **NATION**, identified as **Appendix F**; the CSLFRF Final Rule and other Treasury guidance in the form of Frequently Asked Questions; and the CSLFRF Compliance and Reporting Guidance, identified as **Appendix G**.
- c. Any publications produced with funds from this Subaward must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number 21.027 awarded to the Navajo Nation by the U.S. Department of the Treasury."

34. Certification Regarding Lobbying (2 CFR 200.450).

By signing this Agreement, the Authorized Representative certifies, to the best of his/her knowledge and belief, that no federally appropriated funds have been or will be paid, by or on behalf of the **SUBRECIPIENT**, to any person or entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450. If any funds other than federally appropriated funds have been paid or will be paid to any person or

entity for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the **SUBRECIPIENT** shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, to the **NATION**. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

35. No Agency or Employment Relationship.

In its performance of work pursuant to this Agreement, the **SUBRECIPIENT**, unless it is a Navajo Nation Chapter or Township, shall be an independent entity from the **NATION**. The **SUBRECIPIENT** shall not be considered an employee or agent of the **NATION**. Nothing in this Agreement shall be construed to create any agency or employment relationship between the **SUBRECIPIENT** or any of its employees and the **NATION**. Neither Party shall have any right, power, or authority to assume, create, or incur any expense, liability, or obligation, whether express or implied, on behalf of the other Party. Nothing in this Agreement shall be construed to create any agency or employment relation between the **PARTIES**, and the **SUBRECIPIENT** is free to make its services available to third parties. The **SUBRECIPIENT** is not eligible to participate in, nor eligible for coverage under, any **NATION** employee benefit plan or offering.

36. Indemnification.

Except where the **SUBRECIPIENT** is another Navajo Nation Governmental Entity, such as a Chapter or Township, the **SUBRECIPIENT** agrees to hold harmless and indemnify the **NATION** against any and all losses, costs, damages, claims, accident or injury to person or property including death, attorneys' fees, expenses, and other liability whatsoever (collectively, "Claims"), arising under, related to, or in connection with this Agreement, except to the extent such Claims are directly caused by the gross negligence or wanton and willful conduct of the **NATION** or to the extent they result from the negligence of **NATION** officials or employees as provided for and in accordance with 1 N.N.C. § 551 *et seq.*

37. Rights of Other Parties.

Nothing in this Agreement shall be interpreted to create any rights in any third party that is not an entity or subdivision of the Navajo Nation government.

38. Conflicting and Additional Terms.

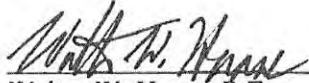
All additional terms and conditions of the **SUBRECIPIENT** are attached hereto and incorporated into this Agreement, provided however that in the event of any conflict between these Terms and Conditions and any additional terms and conditions offered by the **SUBRECIPIENT**, these Terms and Conditions shall control and govern. Any additional terms and conditions not attached to this Agreement shall have no force or effect.

39. Severability.

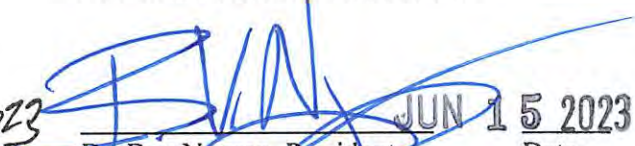
If any provision of this Agreement is held invalid by the Courts of the **NATION**, all remaining provisions which can be implemented shall remain in force and be given full force and effect.

IN WITNESS WHEREOF, we the undersigned hereby execute this Agreement:

For the SUBRECIPIENT:


Walter W. Haase, P.E.
Navajo Tribal Utility Authority
Fort Defiance, AZ 86504

For THE NAVAJO NATION:


4/16/2023 Date Dr. Buu Nygren, President JUN 15 2023 Date
The Navajo Nation
Window Rock, AZ 86515

Appendix A – Scope of Work

SUBRECIPIENT AGREEMENT

Between

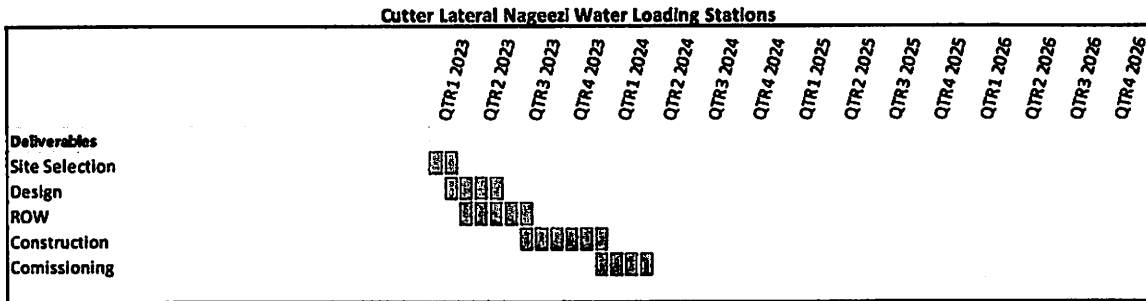
THE NAVAJO NATION AND The Navajo Tribal Utility Authority
FOR SUBAWARD OF NAVAJO NATION FISCAL RECOVERY FUNDS

EC 5.11 Drinking Water: Transmission and Distribution

Appendix A

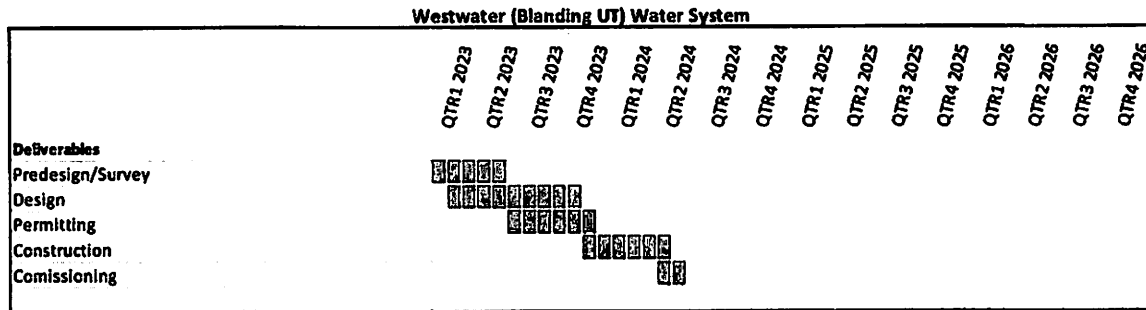
Detailed Statement of Work with Timeline (“Scope of Work”)

Nageezi Engineering services will be procured.



Westwater

The Westwater community which has been relying in water hauling to domestic water for years will receive water from Blanding via the new water system. Brown & Caldwell will provide engineering services.



Appendix B – Budget



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskąądi Nitsáhákees

March 3, 2023

TRANSMITTAL

TO : Jason John, Director
 Department of Water Resources (DWR) / DNR

FROM : 
 Cordell Shortey, Contracting Officer
 Contracts & Grants Section (CGS) / OMB

SUBJECT : Drinking Water: Transmission & Distribution (T&D) - ARPA Funds Allocated to DWR / DNR

I. Information on Contract (per Original Award):

Drinking Water: Transmission & Distribution	U.S. Treasury American Recovery Plan Act (ARPA)	21.027
Title of Contract	Funding Agency	CFDA No. - Federal
CJN-29-22	\$ 51,085,788.00	2022
Grant No.	Amount	Fiscal Year
		Term - Begin and End Date
		03/11/2021 to 12/31/2026

II. Data Entered in FMIS Regarding:

- New Contract or Grant Company No. 8059 Business Unit (K#) K211561
- Contract Mod No. _____
- Amt of Award _____ to _____
AMOUNT FROM TO
- Budget Period - Extend End Date: From _____ To _____
- Other, specify: _____

Authorizing Document - Attached:

- Contract / Agreement - Date executed _____
- NNC / Committee Resolution - No. & Date _____
- Other, specify: NN Council Resolution CJN-29-22

III. Comments by CGS:

Budget received on March 1, 2023 is authorized for implementation pursuant to FY 2023 NN BIM Appendix L Section II. B. and concurred by Navajo Nation Fiscal Recovery Fund (NN FRF) Office on July 18, 2022. CGS received complete packet until 3/2/2023 to set up budget and issue this Transmittal.

m jalobas Attachment
 Copy: Contract files
 Contract Accounting / OOC / DPM
 Tom Platero, Executive Director - NN FRF Office

Received 3/2/23 @ 3:33pm
rf 3/2/23

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT

MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : Dr. Rudy Shebala, Executive Director
Division of Natural Resources

Jason John, Department Manager
Department of Water Resources
Division of Natural Resources

FROM : Lisa Jymm, Deputy Executive Director
Navajo Nation Fiscal Recovery Fund Office

DATE : July 18, 2022

SUBJECT : CJN-29-22 – Allocation of \$1,070,298,867 in Navajo Nation Fiscal Recovery Funds and \$215,000,000 to the Division of Natural Resources / Department of Water Resources.

The Navajo Nation Fiscal Recovery Fund Office (NNFRFO) is requesting budgets totaling \$215,000,000 for the Division of Natural Resources/Department of Water Resources per CJN-29-22, Exhibit I, as listed in the table below:

Exhibit	Description	Category	\$
I-1	Wastewater: Centralized Wastewater Treatment	5.1	\$33,675,338
I-2	Wastewater: Collection and Conveyance	5.2	\$6,008,874
I-3	Drinking Water: Distribution and Transmission	5.10	\$10,030,000
I-4	Drinking Water: Transmission and Distribution	5.11	\$51,085,788
I-5	Drinking Water: Source	5.13	\$29,200,00
I-6	Drinking Water: Storage	5.14	\$1,000,000
I-7	Drinking Water: Cistern Systems	5.15	\$84,000,000
Total Funding for DNR/DWR			\$215,000,000

2211561

As applicable, prepare Budget Forms 2, 3, and 4 in accordance Budget Form 1 in approved Navajo Nation Council resolution CJN-29-22.

If you have any questions, please feel free to contact me by phone at (928) 309-5535 or by email at l.jymm@navajo-nsn.gov.

Thank you.

Navajo Nation Fiscal Recovery Fund Office (NNFRFO)
PO Box 2469 Window Rock, AZ 86515
(928) 309-5532

DOCUMENT CHECKLIST

Please submit all documents as one proposal with this checklist, otherwise proposal will be returned to division/program.

Division/Program Information:

Date Submitted: 12/5/2022

Program/Division: Dept Water Resources/DNR

Contact Person: Jason John, Dept, Mngr. III

Phone: (928) 349-1198

Email: jjohn@navajo.nm.gov

Documents needed for processing:

- Initial Eligibility Determination from NNDOJ
- Appendix A per BFS-31-21 (Check one:)
 - NN Govt. Units
 - a. Attach a FRF Request Form, Expenditure Plan and Expenditure Plan Budget.
 - Non-Governance Certified Chapters
 - a. Attach a duly approved Chapter Resolution supporting the project.
 - Governance Certified Chapters
 - a. Attach a duly approved Chapter Resolution supporting the project.
 - NN Owned Entities
 - a. Attach a duly approved Resolution from the Board of Directors.
 - External Entities
 - a. Attach a duly approved Resolution from the Board of Directors.
 - b. Registration Documents from DED - Business Regulatory Dept.
 - c. Certificate of Good Standing from DED - Business Regulatory Dept.
- Appendix J - Project Budget Schedule per Budget Instructions Manual.
- Signed Budget Forms 1, 2, and 4 (Other Budget Forms as needed)

Notes:

\$51,085,788 - 5.11 Drinking Water - Transmission and Distribution

Reviewed by:

Alicia Hale, Associated Accountant
Fiscal Recovery Fund Office

Dec. 05, 2022
Date

Signed Budget

Forms 1, 2, and 4

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 4
BUDGET FORM 1

PART I Business Unit No. <u>new</u>		Program Title <u>ARPA CAT 5 11-TRANSMISSION DISTRIBUTION</u>		Division/Branch <u>Natural Resources Executive</u>				
Prepared By <u>Jason John</u>		Phone No. <u>(928)349-1198</u>		Email Address _____				
PART II FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
				2900 Personal Expenses				
				3100 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				6000 Lease and Rental				
				6500 Contractual Services			20,900.00	20,900.00
				7000 Special Transactions				
				8000 Public Assistance			2,100.00	2,100.00
				9000 Capital Outlay				
				9500 Matched Funds				
				9500 Indirect Cost				
				TOTAL		00	23,000.00	23,000.00
TOTAL				PART IV POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted		0		
				Total # of Vehicles Budgeted		0		
PART V: THEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY _____ Program Manager's Printed Name				APPROVED BY _____ Division Director / Branch Chief's Printed Name				
_____ Program Manager's Signature and Date				_____ Division Director / Branch Chief's Signature and Date				

Handwritten signature/initials

THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION

PART I PROGRAM INFORMATION			
Program Name/Title: <u>ARPA CAT 5.11 - TRANSMISSION DISTRIBUTION</u>		Business Unit No.: <u>now</u>	
PART II DETAILED BUDGET			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	6500 CONTRACTUAL SERVICES		25,475,785
now	Other contract services:	25,475,785	
0555	Technical Service Expenses		
	Cortina HGWSP Connection Phase 1	\$ 2,650,385	
	Hawcreek HGWSP Connection Phase 1	\$ 847,472	
	Two Gray Hills HGWSP Connection Phase 2	\$ 2,777,450	
	Steep Spring HGWSP Connection Phase 1	\$ 665,922	
	Imperial HGWSP Connection Phase 1	\$ 3,043,765	
	Mogwai Springs HGWSP Connection Phase 2	\$ 397,920	
	Standing Rock HGWSP (BBWS) Connection	\$ 3,328,325	
	Tombstone City Water Supply Pipeline	\$ 1,450,000	
	Chandley Peak Waterline Extension	\$ 1,926,700	
	Tombstone City and Water System	\$ 1,000,000	
	Tombstone City (Planning) Design	\$ 2,175,000	
	Cottonwood	\$ 1,500,000	
	Alamo Water Project	\$ 1,975,000	
	Havasupai Connection	\$ 475,000	
	New Lubron Inlet to Water Line	\$ 1,000,000	
		\$ 25,475,785	
TOTAL		25,475,785	25,475,785

Handwritten signature

**THE NAVAJO NATION
DETAILED BUDGET AND JUSTIFICATION**

PART I. PROGRAM INFORMATION:			
Program Name/Title:		ARPA CAT 5.11-TRANSMISSION DISTRIBUTION	Business Unit No.: <u>now</u>
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
	8000 ASSISTANCE		25,110,000
8500	Infrastructure (non-cap)	21,150,000	
	8550 Water/Wastewater		
	Standing Rock Waterline Extensions	\$ 5,000,000	
	Chickadee Supply and Water System	\$ 2,000,000	
	Cutler Ph 01	\$ 5,400,000	
	Alamo Water Project	\$ 6,000,000	
	Naschik Connection	\$ 2,750,000	
		<u>\$ 21,150,000</u>	
0780	Entity Grants	3,860,000	
	0785 Entity Grants		
	Cutler Lateral Watering Point	150,000	
	Two New Cutler Lateral Water Loading Stations	810,000	
	Westwater Community Project	<u>3,000,000</u>	
		<u>3,860,000</u>	
TOTAL		25,110,000	25,110,000

J. M. J. 5/16/23


THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO: ALL CONCERNED

FROM: 
Bidtah N. Becker, Division Director
Division of Natural Resources
The Navajo Nation

DATE: November 30, 2022

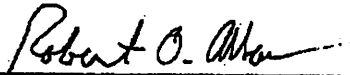
SUBJECT: Delegation of Authority - DNR Division Director

Effective Thursday, December 1, 2022 at 8:00 AM. and Friday, December 2, 2022 ending at 12:00 PM, Mr. Robert O. Allan, Principal Attorney with Division of Natural Resources will be delegated as the Division Director for the Division of Natural Resources.

The delegation will cover day-to-day operations and shall be responsible for the administration and management of the Division of Natural Resources and supervising all personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

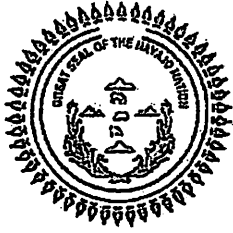
Thank you in advance for your cooperation. If you have any questions. I can be reached by email at bidtah-becker@navajonations.gov

ACKNOWLEDGED:


Robert O. Allan, Principal Attorney
Division of Natural Resources
The Navajo Nation

Cc: Distribution

**Initial Eligibility
Determination
by NN DOJ**



**NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**



DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

**DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS**

RFS/HK Review #: HIC0184

Date & Time Received: 4/12/22 04:39

Date & Time of Response: 13 April, 2022; 8:39 pm

Entity Requesting FRF: Department of Water Resources

Title of Project: 5.11 Drinking Water: Transmission and Distribution

Administrative Oversight: Division of Natural Resources

Amount of Funding Requested: \$51,085,788

Eligibility Determination:

- FRF eligible
- FRF ineligible
- Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
- (2) Premium Pay
- (3) Government Services/Lost Revenue
- (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 5.11 Drinking Water: Transmission and Distribution

Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: Adjua Adjei-Danso



Signature of DOJ Reviewer: _____

Disclaimers: An NNDOJ Initial Eligibility Determination will be based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

Appendix A
- NN Gov't Units —
Per BFS-31-21

**THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NAVAJO NATION GOVERNMENT UNITS**

Part 1. Identification of parties.

NN Government Unit requesting FRF: Department of Water Resources Indicate Department, Program, Office, Division, or Branch Date prepared: 04/12/2022

NN Government Unit's mailing address: P.O. Box 678 phone/email: 928.729.4003
Fort Defiance, AZ 86504 website (if any): _____

Form prepared by: Jason John, Department Manager phone/email: jasonjohn@navajo-nsn.gov

CONTACT PERSON'S name, title and Department, Program, Office, etc.

CONTACT PERSON'S info

Title & type of Project: 5.11 Drinking Water: Transmission and Distribution

NN Government Unit's Director or Manager: Jason John phone & email: jasonjohn@navajo-nsn.gov

Division Director (if any): Rudy Shebala, PhD phone & email: rudyshebala@navajo-nsn.gov

Branch Chief: Paulson Chaco phone & email: paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of Natural Resources on the Project and the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan. Indicate Branch and/or Division

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):

Construction contractors and engineers document attached

Amount of FRF requested: 51,085,788 FRF funding period: When funding received - December 2026 Indicate Project starting and ending/ending data

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

This project consists of twenty-three (23) drinking water transmission and distribution project types as listed on the attached.

document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

These projects will serve clean drinking water that will require various water related equipment and electricity related upgrades to improve the transmission and distribution of clean drinking water across the Navajo Nation.

document attached

APPENDIX A

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

All projects will have construction funds encumbered no later than December 31, 2024 and will be fully expended by December 31, 2026. Each project will have a unique timeline based on their project scope in order to meet the funding deadline objectives upon the issuance of the funding.

document attached

(d) Identify who will be responsible for implementing the Program or Project:

Jason John

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

All projects will be operated and maintained by NTUA using revenue from NTUA customers' water bills. Exceptions to the operation and maintenance for any projects that are located outside the jurisdiction of NTUA would be covered by the local water or wastewater utility operator.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

These projects are covered under Expenditure Category 5.11. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure.

document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Table indicating 5.11 NNFRF request for projects included.

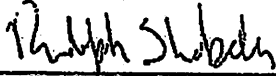
APPENDIX A

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

MN Government Unit
Preparer: 
signature of Preparer, MN Dept of Person

Approved by: 
signature of MN Government Unit's Dept. Program/Office Director or Manager

Approved to submit
for Review: 
signature of Branch Chief or Division Director

Print Name, Title,
Branch or Division: Rudy Shebala, Executive Director
print name and include title or position
Natural Resources
include Branch or Division

4.11.2012

5.11 Drinking water: Transmission & Distribution

Department of Treasury Expenditure Category	Project Description	Chapter	Delegate Region	A2	NM	UT	Total Projects	Total Project Cost
Water Projects								
5.11 Drinking water: Transmission & Distribution	Snowlet HGWSP Connection Phase 1	Tahlequah	Amber Kanaskah Crotty		1		1	2,623,000
5.11 Drinking water: Transmission & Distribution	Newcomb HGWSP Connection Phase 1	Newcomb	Richard Hix		1		1	847,471
5.11 Drinking water: Transmission & Distribution	Two Gray Hills HGWSP Connection Phase 2	Toadlena	Amber Kanaskah Crotty		1		1	2,777,450
5.11 Drinking water: Transmission & Distribution	Sheep Springs HGWSP Connection Phase 1	Sheep Springs	Amber Kanaskah Crotty		1		1	685,927
5.11 Drinking water: Transmission & Distribution	Tahlequah HGWSP Connection Phase 1	Tahlequah	Pernell Malena		1		1	3,010,755
5.11 Drinking water: Transmission & Distribution	Medison Springs HGWSP Connection Phase 2	Medison Springs	Pernell Malena		1		1	307,000
5.11 Drinking water: Transmission & Distribution	Standine Rock HGWSP (BSHF) Connection	Standine Rock	Mark Freeland		1		1	2,228,336
5.11 Drinking water: Transmission & Distribution	Tahlequah - AED Water Supply Pipeline	Tahlequah	Jamie Henke		1		1	2,450,000
5.11 Drinking water: Transmission & Distribution	Standine Rock Water Line Extension	Standine Rock	Mark Freeland		1		1	7,000,000
5.11 Drinking water: Transmission & Distribution	Chickahatchee Supply and Water System	Chickahatchee	Stark Damm		1		1	3,800,000
5.11 Drinking water: Transmission & Distribution	Cutter Lateral Watering System	Huerfano	Mark Freeland		1		1	310,000
5.11 Drinking water: Transmission & Distribution	Copper Canyon (Planning/Design)	Copper Canyon	Pernell Malena		1		1	2,100,000
5.11 Drinking water: Transmission & Distribution	Cutter Ph 4f	Huerfano	Mark Freeland		1		1	7,900,000
5.11 Drinking water: Transmission & Distribution	Alamo Water Project	Alamo	Jamie Henke		1		1	7,575,784
5.11 Drinking water: Transmission & Distribution	Hatchell Connection	Hatchell	Pernell Malena		1		1	2,150,000
5.11 Drinking water: Transmission & Distribution	New Cutter Lateral Water Leasing Stations	Huerfano	Mark Freeland		3		3	405,000
5.11 Drinking water: Transmission & Distribution	New Cutter Lateral Water Leasing Stations	Huerfano	Mark Freeland		3		3	405,000
5.11 Drinking water: Transmission & Distribution	Westwater Community Project	Anaah	Charlene Yoo			1	1	3,000,000
5.11 Drinking water: Transmission & Distribution	New Lybrook Interim w/Cutter Lateral	Ojo Ocho	Daniel Tso		1		1	3,029,000

Total 13 5 \$1,885,151

- Appendix J -

**Project Budget Schedule
Per
Budget Instructions Manual**

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>new</u>										PART II. Project Information																													
Project Title: <u>CJN-29-22 Fiscal Recovery Funds - Category 5.11 Clean Water: Transmission and Distribution</u>										Project Type: <u>Water/Wastewater</u>																													
Project Description: <u>Select projects to provide bulk municipal drinking water to communities.</u>										Planned Start Date: <u>10/1/2022</u>																													
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification										Planned End Date: <u>12/31/2026</u>																													
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.										PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																													
										Expected Completion Date if project exceeds 8 FY Qtrs.																													
										FY 2023					FY 2024					FY 2026																			
										1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.								
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Sanctoslee NGWSP Connection Phase 1										Plan/Design/Permitting			Construct																										
Newcomb NGWSP Connection Phase 1										Plan/Design/Permitting			Construct																										
Sheep Springs NGWSP Connection Phase 1										Plan/Design/Permitting			Construct																										
Tahalchi NGWSP Connection Phase 1										Plan/Design/Permitting			Construct																										
Mexican Springs NGWSP Connection Phase 2										Plan/Design/Permitting			Construct																										
PART V.										\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL								
Expected Quarterly Expenditures													6,960,000.00			5,000,000.00			6,000,000.00			6,000,000.00			5,975,788.00			6,150,000.00			15,000,000.00			\$51,085,788.00					

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____

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Standing Rock NGWSP (BBN9) Connection	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 100px;">Plan/Design/Permitting</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td style="width: 20px;">█</td><td style="width: 20px;">█</td><td style="width: 20px;">█</td> <td colspan="5"></td> </tr> <tr> <td style="width: 100px;">Construct</td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td></td><td></td><td></td> <td colspan="5"></td> </tr> </table>																														Plan/Design/Permitting	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█						Construct																																						
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**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PROJECT FORM

PART I. Business Unit No.: <u>new</u>										PART II. Project Information																										
Project Title: <u>CJN-29:22 Fiscal Recovery Funds - Category 5.11 Clean Water: Transmission and Distribution</u>										Project Type: <u>Water/Wastewater</u>																										
Project Description: <u>Select projects to provide bulk municipal drinking water to communities.</u>										Planned Start Date: <u>10/1/2022</u>																										
Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification										Planned End Date: <u>12/31/2028</u>																										
Project Manager: <u>Jason John</u>																																				
PART III. List Project Task separately, such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.										Expected Completion Date if project exceeds 8 FY Qtrs.																									
	FY 2023												FY 2024												FY 2026											
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			O		N		D		J		F		M	
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M						
Coyote Canyon (Planning/Design)																																				
Plan/Design/Permitting																																				
Construct																																				
Cutler Ph 6f																																				
Plan/Design/Permitting																																				
Construct																																				
Alamo Water Project																																				
Plan/Design/Permitting																																				
Construct																																				
Naschilli Connection																																				
Plan/Design/Permitting																																				
Construct																																				
Westwater Community Project																																				
Plan/Design/Permitting																																				
Construct																																				
PART V.	\$			\$			\$			\$			\$			\$			\$			\$			PROJECT TOTAL											
Expected Quarterly Expenditures	See Page 1																																			

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>new</u> Project Title: <u>CJN-29-22 Fiscal Recovery Funds - Category 5.11 Clean Water: Transmission and Distribution</u> Project Description: <u>Select projects to provide bulk municipal drinking water to communities.</u> Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification													PART II. Project Information Project Type: <u>Water/Wastewater</u> Planned Start Date: <u>10/1/2022</u> Planned End Date: <u>12/31/2026</u> Project Manager: <u>Jason John</u>																	
PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.	PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.																			Expected Completion Date if project exceeds 8 FY Qtrs.										
	FY 2023												FY 2024								FY 2026									
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.		2nd Qtr.		3rd Qtr.		4th Qtr.											
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
New Lybrook Intertie w/Cutler Lateral Plan/Design/Permitting Construct																														
PART V. Expected Quarterly Expenditures	\$	\$		\$			\$			\$		\$		\$		\$		PROJECT TOTAL												
See Page 1																														

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____

Appendix C –
Disbursement Schedule

SUBRECIPIENT AGREEMENT

Between

THE NAVAJO NATION AND The Navajo Tribal Utility Authority

FOR SUBAWARD OF NAVAJO NATION FISCAL RECOVERY FUNDS

EC 5.11 Drinking Water: Transmission and Distribution

Appendix C

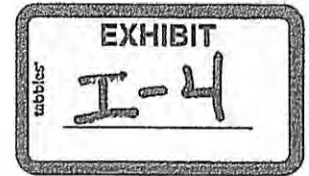
Disbursement Schedule

The Navajo Nation (the Nation) will make three disbursements to the Navajo Tribal Utility Authority (NTUA), 1st Disbursement = 50% of total /4th Quarter of 2022 (December), 2nd Disbursement = 25% of total /4th Quarter of 2023, 3rd Disbursement = 25% of total /4th Quarter of 2024, for a total amount of \$3,810,000 for NTUA's 5.11 Drinking Water: Transmission and Distribution projects. The disbursement will occur upon execution of the subrecipient agreement. NTUA will provide quarterly reports (monitoring) to the Nation starting on the quarter that the disbursement occurs and ending on the date when the funds are expended or June 30, 2026, whichever occurs first.

Appendix D –
Expenditure Plan



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL



DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

DEPARTMENT OF JUSTICE
INITIAL ELIGIBILITY DETERMINATION
FOR NAVAJO NATION FISCAL RECOVERY FUNDS

RFS/HK Review #: HK0184

Date & Time Received: 4/12/22.04:39

Date & Time of Response: 13 April, 2022; 8:39 pm

Entity Requesting FRF: Department of Water Resources

Title of Project: 5.11 Drinking Water: Transmission and Distribution

Administrative Oversight: Division of Natural Resources

Amount of Funding Requested: \$51,085,788

Eligibility Determination:

- FRF eligible
- FRF ineligible
- Additional information requested

FRF Eligibility Category:

- (1) Public Health and Economic Impact
- (2) Premium Pay
- (3) Government Services/Lost Revenue
- (4) Water, Sewer, Broadband Infrastructure

U.S. Department of Treasury Reporting Expenditure Category: 5.11 Drinking Water:
Transmission and Distribution

Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):

- | | |
|--|--|
| <input type="checkbox"/> Missing Form | <input type="checkbox"/> Expenditure Plan incomplete |
| <input type="checkbox"/> Supporting documentation missing | <input type="checkbox"/> Funds will not be obligated by 12/31/2024 |
| <input type="checkbox"/> Project will not be completed by 12/31/2026 | <input type="checkbox"/> Incorrect Signatory |
| <input type="checkbox"/> Ineligible purpose | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports | |
| <input type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: Adjua Adjei-Danso

Signature of DOJ Reviewer: _____



Disclaimers: An NNDOJ Initial Eligibility Determination will be based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

**THE NAVAJO NATION
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN
FOR NAVAJO NATION GOVERNMENT UNITS**

Part 1. Identification of parties.

NN Government Unit requesting FRF: Department of Water Resources Date prepared: 04/12/2022
Indicate Department, Program, Office, Division, or Branch

NN Government Unit's mailing address: P.O. Box 678 phone/email: 928.729.4003
Fort Defiance, AZ 86504 website (if any): _____

Form prepared by: Jason John, Department Manager phone/email: jasonjohn@navajo-nsn.gov

CONTACT PERSON'S name, title and Department, Program, Office, etc.

CONTACT PERSON'S info

Title & type of Project: 5.11 Drinking Water: Transmission and Distribution

NN Government Unit's Director or Manager: Jason John phone & email: jasonjohn@navajo-nsn.gov

Division Director (if any): Rudy Shebala, PhD phone & email: rudyshebala@navajo-nsn.gov

Branch Chief: Paulson Chaco phone & email: paulsonchaco@navajo-nsn.gov

Funding Recipient will be working with: Division of Natural Resources on the Project and
Indicate Branch and/or Division
the same will be submitting the Funding Request Package for Initial Eligibility Determination Review, and will have Administrative Oversight over this FRF Expenditure Plan.

List names or types of Subcontractors or Subrecipients that will be paid with FRF (if known):

Construction contractors and engineers document attached

Amount of FRF requested: 51,085,788 FRF funding period: When funding received - December 2026
Indicate Project starting and ending/deadline date

Part 2. Expenditure Plan details.

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

This project consists of twenty-three (23) drinking water transmission and distribution project types as listed on the attached.

document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo Communities, or the Navajo People:

These projects will serve clean drinking water that will require various water related equipment and electricity related upgrades to improve the transmission and distribution of clean drinking water across the Navajo Nation.

document attached

APPENDIX A

(c) Provide a prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

All projects will have construction funds encumbered no later than December 31, 2024 and will be fully expended by December 31, 2026. Each project will have a unique timeline based on their project scope in order to meet the funding deadline objectives upon the issuance of the funding.

document attached

(d) Identify who will be responsible for implementing the Program or Project:

Jason John

document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

All projects will be operated and maintained by NTUA using revenue from NTUA customers' water bills. Exceptions to the operation and maintenance for any projects that are located outside the jurisdiction of NTUA would be covered by the local water or wastewater utility operator.

document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

These projects are covered under Expenditure Category 5.11. ARPA provides these funds to the Navajo Nation to make necessary investments in water and sewer infrastructure. This is a necessary investment in water infrastructure. The Interim Final Rule provides the Nation with wide latitude to identify investments in water and sewer infrastructure.

document attached

Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Table indicating 5.11 NNFRF request for projects included.

Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

NN Government Unit
Preparer: 
signature of Preparer/CONTACT PERSON

Approved by: 
signature of NN Government Unit's Dept./Program/Office Director or Manager

Approved to submit
for Review: 
signature of Branch Chief or Division Director

Print Name, Title,
Branch or Division: Rudy Shebala, Executive Director
print name and indicate title or position
Natural Resources
indicate Branch or Division

4.11.2022

5.11 Drinking water: Transmission & Distribution

Department of Treasury Expenditure Category	Project Description	Chapter	Delegate Region	AZ	NM	UT	Total Projects	Total Project Cost	
Water Projects									
New/No Nation Water Resources Projects									
5.11 Drinking water: Transmission & Distribution	Sanstee NGWSP Connection Phase 1	Tse'anaasi'Yi	Amber Kanarbah Crotty		1		1	\$ 2,653,055	
5.11 Drinking water: Transmission & Distribution	Newcomb NGWSP Connection Phase1	Newcomb	Rickie Nez		1		1	\$ 847,472	
5.11 Drinking water: Transmission & Distribution	Two Grey Hills NGWSP Connection Phase 2	Toadlena	Amber Kanarbah Crotty		1		1	\$ 2,777,450	
5.11 Drinking water: Transmission & Distribution	Sheep Springs NGWSP Connection Phase 1	Sheep Springs	Amber Kanarbah Crotty		1		1	\$ 685,922	
5.11 Drinking water: Transmission & Distribution	Tohatchi NGWSP Connection Phase 1	Tohatchi	Pernell Halona		1		1	\$ 3,010,755	
5.11 Drinking water: Transmission & Distribution	Mexican Springs NGWSP Connection Phase 2	Mexican Springs	Pernell Halona		1		1	\$ 307,000	
5.11 Drinking water: Transmission & Distribution	Standing Rock NGWSP (BBN9) Connection	Standing Rock	Mark Freeland		1		1	\$ 2,228,336	
5.11 Drinking water: Transmission & Distribution	Tohajilee - ABQ Water Supply Pipeline	Tohajilee	Jamie Henio		1		1	\$ 2,450,000	
5.11 Drinking water: Transmission & Distribution	Standing Rock Waterline Extensions	Standing Rock	Mark Freeland		1		1	\$ 7,000,000	
5.11 Drinking water: Transmission & Distribution	Chichiliah Supply and Water System	Chichiliah	Seth Damon		1		1	\$ 3,000,000	
5.11 Drinking water: Transmission & Distribution	Cutter Lateral Watering Point	Huerfano	Mark Freeland		1		1	\$ 150,000	
5.11 Drinking water: Transmission & Distribution	Coyote Canyon (Planning/Design)	Coyote Canyon	Pernell Halona		1		1	\$ 2,100,000	
5.11 Drinking water: Transmission & Distribution	Cutter Ph 6f	Huerfano	Mark Freeland		1		1	\$ 7,900,000	
5.11 Drinking water: Transmission & Distribution	Alamo Water Project	Alamo	Jamie Henio		1		1	\$ 7,975,788	
5.11 Drinking water: Transmission & Distribution	Naschitti Connection	Naschitti	Pernell Halona		1		1	\$ 3,150,000	
5.11 Drinking water: Transmission & Distribution	New Cutter Lateral Water Loading Stations	Huerfano	Mark Freeland		3		3	\$ 405,000	
5.11 Drinking water: Transmission & Distribution	New Cutter Lateral Water Loading Stations	Nageezi	Mark Freeland		3		3	\$ 405,000	
5.11 Drinking water: Transmission & Distribution	Westwater Community Project	Aneth	Charlaine Tso			1	1	\$ 3,000,000	
5.11 Drinking water: Transmission & Distribution	New Lybrook Interlie w/Cutter Lateral	Ojo Encino	Daniel Tso		1		1	\$ 1,000,000	
							Total	23	\$ 51,055,788

Appendix E – Council
Resolution Approving
Expenditure Plan

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

July 15, 2022

Hon. Seth Damon
Office of the Speaker
Post Office Box 3390
Window Rock, AZ 86515

RE: CJN-29-22, *An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Allocating \$1,070,298,867 of Navajo Nation Fiscal Recovery Funds; Approving the Navajo Nation Fiscal Recovery Fund Expenditure Plans For: Chapter and Regional Projects; Public Safety Emergency Communications, E911, and Rural Addressing Projects; Cyber Security; Public Health Projects; Hardship Assistance; Water and Wastewater Projects; Broadband Projects; Home Electricity Connection and Electric Capacity Projects; Housing Projects and Manufactured Housing Facilities; Bathroom Addition Projects; Construction Contingency Funding; and Reduced Administrative Funding*

Dear Speaker Damon,

Thank you to Delegate Mark Freeland for sponsoring this legislation, the Navajo Nation Council, the Division of Community Development, the Fiscal Recovery Fund Office, the Department of Justice, Navajo Tribal Utility Authority, Navajo Area Indian Health Service and many other partners who came together to develop this legislation for the benefit of the Navajo People and future generations to come. As leaders we have a duty to administer these funds in the best interest of our people and the Navajo Nation.

The Covid-19 pandemic brought devastation and loss of life to our people; the pandemic is still with us and we offer our continued prayers to all who have suffered loss and illness from this virus. The American Rescue Plan Act (ARPA) Fiscal Recovery Funds were allocated to the Nation to support our efforts to respond to the impacts of Covid-19 and further the response initiatives achieved with the CARES Act funding. Never in our history have we received such a large allocation of funds to develop our Nation's basic infrastructure and improve the lives of our Navajo citizens. Many of our citizens have always had to live without running water, clean drinking water, electricity, and other basic services to support their daily activities, health and welfare.

Resolution CJN-29-22 evolved from a legislation that initially included projects proposed by the Department of Health to construct senior centers, long-term assisted living facilities, wellness centers, and warehouses to store perishable food and medical supplies; it also included proposals from the Division of Economic Development to assist our small business owners and support our tourism industry. These expenditure plan projects, among others, were deleted and amended with the Chapter and Regional Projects Expenditure Plan which allow the Council Delegates to select

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

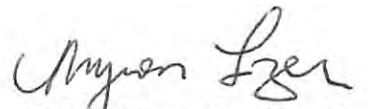


projects for their regions. We strongly urge the Council Delegates to consider the aforementioned projects that were deleted. These projects were previously determined Fiscal Recovery Fund eligible and that determination will aid in expediting the process needed to obligate, encumber, expend the funds and execute construction contracts.

As we have stressed over and over, time is of the essence. We cannot allow funds to revert back to the U.S. Treasury. There are federal deadlines to meet and Resolution CJN-2922 imposes even more deadlines. These varying deadlines will require diligent tracking by program staff and their respective administrative and legislative oversights to ensure that the funds are expended. We are not only dealing with administrative deadlines but supply chain shortages, inflationary costs, and staffing shortages, along with the rest of the country. All of these challenges will require improved coordination between the branches to complete this tremendous task. There is much work to do and we look forward to working with the Navajo Nation Council. We sign Resolution CJN-29-22 into law.

Sincerely,


Jonathan Nez, *President*
THE NAVAJO NATION


Myron Lizer, *Vice President*
THE NAVAJO NATION

RESOLUTION OF THE
NAVAJO NATION COUNCIL
24th NAVAJO NATION COUNCIL - FOURTH YEAR, 2022

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS;
APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS
FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY
COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER
SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND
WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY
CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND
MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS;
CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE
FUNDING

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
- B. The Nation Council Resolution No. CJY-41-21, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Expenditure Plans be duly adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council and approved by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

SECTION TWO. FINDINGS

- A. The World Health Organization ("WHO") declared a Public Health Emergency of International Concern related to the Coronavirus ("COVID-19"), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.

- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. See Resolution No. CEM 20-03-11 which is incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2022-006 are incorporated herein by reference. These Public Health Emergency Orders are available at www.ndoh.navajo-nsn.gov.
- C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States, and the Navajo Nation. As of April 13, 2022, the Navajo Nation Health Command Operations Center has confirmed 53,179 COVID-19 cases and 1,740 COVID-related deaths on the Navajo Nation. COVID-19 variants have recently emerged that threaten to increase these numbers and continue the pandemic's assault on the Navajo People.
- D. The devastating effects of COVID-19 continue throughout the Navajo Nation and extend beyond life and health devastation to wide scale negative financial impacts, such as employment losses, business closures, food and housing insecurity, and other economic disruptions.
- E. In response to the pandemic, United States President Joseph Biden signed the American Rescue Plan Act ("ARPA") into law on March 11, 2021. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together the "Fiscal Recovery Funds" or "FRF") and provided \$362 billion for state, local, and tribal governments, including \$20 billion specifically designated for tribal governments.
- F. As of April 12, 2022, the United States Department of Treasury has allocated two billion seventy-nine million four hundred sixty-one thousand four hundred sixty-four dollars (\$2,079,461,464) to the Navajo Nation under the Fiscal Recovery Funds provisions of ARPA. The Fiscal Recovery Funds are designed to build on and expand the relief provided in the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (2020), and are intended to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by residents and businesses.

- G. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds are specifically intended to:
1. respond to the COVID-19 public health emergency and its negative economic impacts, including assistance to households, small businesses, and non-profits; and/or aid to impacted industries such as tourism, travel, and hospitality;
 2. respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
 3. provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year prior to the COVID-19 public health emergency; and
 4. make necessary investments in water, sewer, and/or broadband infrastructure.
- H. The U.S. Department of Treasury has issued guidance requiring that the use and expenditure of Fiscal Recovery Funds must fall under one of the four categories above and that funding recipients must report each expenditure under one of the eighty-three (83) "Expenditure Categories" set forth in Appendix 1 to the U.S. Department of Treasury's Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds, attached as **Exhibit A**.
- I. Pursuant to ARPA:
1. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning that the Navajo Nation must obligate FRF funds by that date. Treasury's Final Rule provides that "incurred" shall have the same meaning given to "financial obligation" under the Uniform Guidance at 2 CFR 200.1: "Financial obligations, when referencing a recipient's or sub-recipient's use of funds under a Federal award, means orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment".
 2. The Fiscal Recovery Fund period of performance runs from March 3, 2021, until December 31, 2026, meaning that all FRF-funded projects must be completed and funds must be fully expended by December 31, 2026.

3. Costs incurred by the Navajo Nation prior to March 3, 2021 are not eligible.
 4. Any funds not obligated or expended for eligible uses by the dates set forth above in sections I (1) and (2) must be returned to U.S. Treasury, including any unobligated or unexpended funds that have been provided to sub-recipients and contractors as part of the award closeout process.
- J. While its acceptance of Fiscal Recovery Funds obligates the Navajo Nation to comply with ARPA and other federal laws and regulations, the Navajo Nation can and will fulfill these obligations while retaining and exercising its sovereignty in allocating and disbursing Fiscal Recovery Funds.
- K. On July 23, 2021, the Navajo Nation Council adopted Resolution No. CJY-41-21, incorporated herein by reference, establishing the Navajo Nation Fiscal Recovery Fund ("NNFRF") into which the Navajo Nation's allocation of \$2,079,461,464 has been deposited. Resolution CJY-41-21 also adopted an expenditure authorization and approval process for the allocation of funds from the NNFRF.
- L. The Navajo Nation Council mandated the Budget and Finance Committee to adopt application and review procedures, as well as an expenditure plan template, to be used by entities requesting Navajo Nation Fiscal Recovery Funds. Resolution CJY-41-21, Section Four. The Budget and Finance Committee approved Resolution No. BFS-31-21 which established mandatory Navajo Nation Fiscal Recovery Fund application procedures, forms, and an expenditure plan template. Resolution BFS-31-21 is incorporated herein by reference.
- M. To ensure the Navajo Nation's compliance with ARPA, Section Four of Resolution CJY-41-21 directed the Navajo Nation Department of Justice ("NNDOJ") to perform "an initial determination of whether a NNFRF funding request satisfies the legal requirements of the Fiscal Recovery Funds provisions of ARPA and applicable Navajo Nation laws, regulations, and policies and procedures." Resolution BFS-31-21 incorporated NNDOJ's initial determination into the mandatory NNFRF application procedures, forms, and an expenditure plan template, which requires, among other things, identification of the entity with administrative oversight over the Funding Recipient. Administrative oversight means having the authority and responsibility to monitor the implementation of an approved FRF Expenditure Plan and the expenditure of awarded funds. The duties of the entity with administrative oversight are set forth in Section Seven of the FRF Procedures in Exhibits 1

through 5 of Resolution BFS-31-21.

- N. The Office of the President and Vice-President, in coordination with the Division of Community Development ("DCD"), presented ARPA and Fiscal Recovery Fund information at each of the five (5) Agency Council Meetings to hear from the Navajo People's elected Chapter and regional leadership concerning their needs and priorities for projects and/or services funded through the NNFRF. In addition, DCD has met with Navajo Nation Chapters, individually and collectively, on more than fifty (50) occasions to discuss NNFRF matters.
- O. The Navajo Nation Council hosted twenty-six (26) Naabik'iyáti' Committee Work Sessions, all open to the public, to hear from the regional and Agency leadership concerning their needs and priorities for projects and/or services funded through the Navajo Nation Fiscal Recovery Fund. In addition, Standing Committees of the Navajo Nation Council held more than forty (40) committee meetings, all open to the public, that have included NNFRF reports and infrastructure specific discussions.
- P. The health and financial devastation visited on the Navajo People by the COVID-19 pandemic has risen to emergency levels. Critical infrastructure needs to be built by and for the Navajo Nation government to provide necessary services and to allow the Navajo Nation to assist residents in coping with the on-going pandemic. The time for construction of such infrastructure and expenditure of the Fiscal Recovery Funds continues to lessen as the deadline to completely expend Fiscal Recovery Funds by December 31, 2026, quickly approaches, after which time unexpended funds must be returned to the United States Treasury. The Navajo Nation Council and Office of the President and Vice-President have determined that it is imperative that infrastructure and mitigation recovery services be provided to the Navajo People as soon as possible.
- Q. To lessen the financial devastation caused by the COVID-19 pandemic, the Navajo Nation Council adopted Resolution No. CD-62-21 providing \$557,000,000 in Hardship Assistance for Navajo members. The President signed CD-62-21 into law on January 4, 2022.
- R. The Navajo Nation Council and Office of the President and Vice-President concur that, based on their respective public consultation efforts, it is in the best interest of the Navajo people and Navajo communities to immediately enact comprehensive Navajo Nation Fiscal Recovery Fund Expenditure Plans for; Chapter and Regional Projects; Public Safety

Emergency Communication, E911, and Rural Addressing Projects; Cyber Security; Public Health Projects; Hardship Assistance; Water and Wastewater Projects; Broadband Projects; Home Electricity Connection and Electric Capacity Projects; Housing Projects and Manufactured Housing Facilities; Bathroom Addition Projects; and Construction Contingency Funding in the total amount of one billion seventy million two hundred ninety-eight thousand, eight hundred sixty-seven dollars (\$1,070,298,867), as set forth in **Exhibit B**.

SECTION THREE. APPROVAL OF THE CHAPTER AND REGIONAL PROJECTS EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Chapter and Regional Projects Assistance Expenditure Plan set forth herein and in **Exhibit C**.
- B. The Navajo Nation hereby approves total funding for the NNFRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region, as set forth in **Exhibit C**, and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- C. For purposes of the NNFRF and the Chapter and Regional Projects Expenditure Plan, "Delegate Region" shall mean all the Navajo Nation chapters, both LGA Certified and non-LGA chapters, and Townships, represented by a Navajo Nation Council delegate.
- D. The 12 N.N.C. § 820(O) 50-50 Chapter Distribution Formula does not apply to the Chapter and Regional Projects Expenditure Plan and/or the Delegate Region Project Plans. The 50-50 Formula only applies to appropriate intended for distribution to all Chapters of the Navajo Nation. The Chapter and Regional Projects Expenditure Plan and Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriation Navajo Nation Divisions or Departments, to implement the projects rather than directly to the Chapters.
- E. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Divisions or Departments, shall manage and administer

funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans.

1. LGA-Certified Chapters shall immediately return to the Office of the Controller all Chapter Project Plan funds that remain unobligated and unencumbered as of 5:00 p.m. on September 30, 2024.
 2. LGA-Certified Chapters shall immediately return to the Office of the Controller all Chapter Project Plan funds that remain unexpended as of 5:00 p.m. on September 30, 2026
- F. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) as set forth in **Exhibit C**.
- G. The projects selected by each Navajo Nation Council delegate shall be compiled into a Delegate Region Projects Plan for their respective Delegate Region and approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- H. Delegates may select projects for their Delegate Region Projects Plan from the list of projects, attached as **Exhibit D**, that have already been submitted to NNDOJ for an initial eligibility determination and are not included in another enacted Expenditure Plan. Delegates may also add region specific funds to other previously enacted Project or Expenditure Plans. In addition, Delegates may select projects that have not previously been submitted to NNDOJ for an initial eligibility determination, including proposed FRF chapter projects submitted to the Division of Community Development, although such projects will have to have a NNDOJ eligibility determination before they can be approved by the Navajo Nation Council.
- I. The Executive Director of the NNFRF Office, with the assistance of the Division of Community Development and other necessary

Executive Branch Divisions and Departments, shall assist each Council Delegate in developing their respective Delegate Region Projects Plan, including the applicable BFS-31-21 Appendix A and Appendix B forms and supporting documents, for those projects that have not already received NNDOJ initial eligibility determinations.

- J. The NNFRF Office shall, notwithstanding BFS-31-21, act and sign in the place of the respective Administrative Oversight Division and submit each project included on the respective Delegate Region Projects Plan to NNDOJ for an initial eligibility determination as required under CJY-41-21. NNDOJ shall be allowed five (5) work days, in addition to BFS-31-21's five (5) days, to complete required initial eligibility determinations for Delegate Region Projects.
1. The NNFRF Office shall not be required to submit projects to NNDOJ that already have an initial eligibility determination, unless there is a proposed change in the project scope of work, eligibility category, and/or the amount of funding requested for the project.
- K. Each Delegate shall submit a comprehensive list of projects, including applicable BFS-31-21 Appendix A, Appendix B, and supporting documents for those projects that have not already received NNDOJ initial eligibility determinations, for their respective Delegate Region, totaling no more than their Delegate Region allocation of \$8,802,340 set forth in **Exhibit C**, to the NNFRF Office by no later than September 30, 2024.
1. If the NNFRF Office has not received a comprehensive list of projects for a Delegate Region, including Appendix A, Appendix B and supporting documents for each project by September 30, 2024; any unallocated amount for that Delegate Region shall automatically revert to the Navajo Nation Fiscal Recovery Fund. Navajo Nation Council and President of the Navajo Nation action shall not be required for the reversion.
- L. All Delegate Region Project Plans shall be subject to the following requirements and restrictions:
1. Delegate Region Projects shall fall under one of the allowable U.S. Treasury Expenditure Eligibility Categories set forth in **Exhibit A**.
 2. Delegate Region Projects Plans may include NNFRF-eligible projects for programs to provide government services to Chapter members; to provide basic PPE to Chapter members;

to provide food, fuel, firewood assistance to Chapter members negatively impacted by COVID-19; to construct projects such as COVID-19 mitigation renovations to Chapter houses, housing renovations, and house wiring; to plan and design projects; to hire consultants to assist with NNFRF-eligible programs and projects; to hire PEP workers, student workers and other temporary employees, or regular status employees to assist the Chapter governments in carrying out NNFRF-eligible programs and projects. Delegate Region Project Plans shall not include COVID-19 testing and vaccinations, or any cash assistance for Chapter members such as a hardship assistance program.

3. All proposed Delegate Region projects shall be sufficiently developed such that funding for the project(s) can be obligated and encumbered in the Nation's Financial Management Information System ("FMIS") by 5:00 p.m. on September 30, 2024, and fully expended by 5:00 p.m. on September 30, 2026 or such earlier dates as may be determined by resolution of the Navajo Nation Council. This generally requires NEPA, ROW, and design work to be sufficiently advanced such that these pre-construction tasks can be completed in time to execute construction contracts and encumber funds by 5:00 p.m. on September 30, 2024.
4. The Administrative Oversight entity for each project shall be responsible for making the determination whether the proposed Delegate Region project is "project-ready" or "construction-ready". If a proposed project is not deemed project-ready or construction-ready, the project shall not be eligible for inclusion in a Delegate Region Project Plan.
5. Each Delegate Region Project shall be subject to CJY-41-21's NNDOJ initial eligibility determination.
6. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s).
7. Each Delegate Region shall be limited to a total of nine million one hundred fifty thousand dollars (\$9,150,000) of Revenue Replacement Projects (Expenditure Eligibility Categories 6.1: Provision of Government Services and 6.2 Non-federal Match for Other Federal Programs). The Office of the Controller may issue guidance that increases this amount in the next fiscal year.

8. Delegate Region Projects shall not include Sanitation Deficiency Systems Service ("SDS") Projects included on the Indian Health Service 2022 SDS List, attached as **Exhibit E**, or on any prior year Indian Health Services SDS List.
9. The Navajo Nation Council urges Delegate Region Project Expenditure Plans to include and prioritize Veteran Housing and other projects that will benefit Navajo veterans.

SECTION FOUR. APPROVAL OF THE PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, RURAL ADDRESSING, AND CYBER SECURITY PROJECTS EXPENDITURE PLANS

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Public Safety Emergency Communications, E911, Rural Addressing, and Cyber Security Projects Expenditure Plans set forth in **Exhibits F** and **F-1** through **F-2**.
- B. The Navajo Nation hereby approves total funding for the NNFRE Public Safety Emergency Communications, E911, Rural Addressing, and Cyber Security Projects Expenditure Plans from the Navajo Nation Fiscal Recovery Fund in the total amount of forty million dollars (\$40,000,000) and allocates the funding as follows:
 1. Thirty-five million dollars (\$35,000,000) to the Division of Public Safety for Emergency Communications projects, to include E911 and rural addressing, as Other Public Health Services (Expenditure Category 1.14), as set forth in **Exhibit F-1**, with administrative oversight by the Office of the President and Vice-President and joint legislative oversight by the Law and Order and Resources and Development Committees.
 2. Five million dollars (\$5,000,000) to the Department of Information Technology, Division of General Services, for Cyber Security project(s), as Other Public Health Services (Expenditure Category 1.14), as set forth in **Exhibit F-2**, with administrative oversight by the Division of General Services and joint legislative oversight by the Health Education Human Services and Resources and Development Committees.
- C. The Division of Public Safety and the Department of Information Technology, Division of General Services, are authorized to execute these Emergency Communications, E911, Rural Addressing, and Cyber Security Projects directly, or through

use of contractors and sub-recipients. The Division of General Services and the Division of Public Safety shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications.

SECTION FIVE. APPROVAL OF PUBLIC HEALTH EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Public Health Expenditure Plan set forth in **Exhibits G** and **G-1** through **G-2**.
- B. The Navajo Nation hereby approves total funding for the NNFRF Public Health Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of nineteen million two hundred forty-three thousand seven hundred fifty dollars (\$19,243,750) allocated as follows:
 - 1. Fifteen million two hundred forty-three thousand seven hundred fifty dollars (\$15,243,750) to the Division of Behavioral and Mental Health Services, Navajo Department of Health, for Detox and Residential Treatment Centers, as Substance Use Services (Expenditure Category 1.13) as set forth in **Exhibit G-1**, with administrative oversight by the Navajo Department of Health and legislative oversight by the Health Education Human Services Committee.
 - 2. Four million dollars (\$4,000,000) to the Division of Behavioral and Mental Health Services, for Transitional Housing, as Mental Health Services (Expenditure Category 1.12) as set forth in **Exhibit G-2**, with administrative oversight by the Navajo Department of Health and legislative oversight by the Health, Education, and Human Services Committee.
- C. The Department of Health is authorized to execute these Public Health Projects directly, or through the use of contractors and sub-recipients. The Department of Health shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications.

SECTION SIX. APPROVAL OF ALLOCATION OF ADDITIONAL FUNDS TO THE HARDSHIP ASSISTANCE EXPENDITURE PLAN

- A. Through Council Resolution CD-62-21, the Navajo Nation approved and adopted the Navajo Nation Fiscal Recovery Fund Hardship Assistance Expenditure Plan, which included an allocation of five hundred fifty-seven million dollars (\$557,000,000).
- B. The Navajo Nation hereby approves an allocation of additional funding for the NNFRF Hardship Assistance Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of one hundred twenty million dollars (\$120,000,000) to the Office of the Controller, for Household Assistance - Cash Transfers (Expenditure Category 2.3), as set forth in **Exhibit H**, with administrative oversight by the Office of the President and Vice President and legislative oversight by the Budget and Finance Committee.

SECTION SEVEN. APPROVAL OF WATER AND WASTEWATER PROJECTS EXPENDITURE PLANS

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Water and Wastewater Projects Expenditure Plans set forth in **Exhibits I** and I-1 through I-7.
- B. The Navajo Nation hereby approves total funding for the NNFRF Water and Wastewater Projects Expenditure Plans from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred fifteen million dollars (\$215,000,000) to the Department of Water Resources with administrative oversight by the Division of Natural Resources and legislative oversight by the Resources and Development Committee, and allocates the funding as follows:
1. Thirty-three million six hundred seventy-five thousand three hundred thirty-eight dollars (\$33,675,338) for Centralized Wastewater Treatment Projects (Expenditure Category 5.1) as set forth in **Exhibit I-1**.
 2. Six Million Eight Thousand Eight Hundred Seventy-Four dollars (\$6,008,874) for Centralized Wastewater Collection and Conveyance Projects (Expenditure Category 5.2) as set forth in **Exhibit I-2**.
 3. Ten million thirty thousand dollars (\$10,030,000) for Drinking Water Treatment Projects (Expenditure Category 5.10), as set forth in **Exhibit I-3**.
 4. Fifty-one million eight five thousand seven hundred eighty-eight dollars (\$51,085,788) for Drinking Water

Transmission and Distribution Projects (Expenditure Category 5.11), as set forth in **Exhibit I-4**.

5. Twenty-nine million two hundred thousand dollars (\$29,200,000) for Drinking Water Source Projects (Expenditure Category 5.13), as set forth in **Exhibit I-5**.
 6. One million dollars (\$1,000,000) for Drinking Water Storage Projects (Expenditure Category 5.14), as set forth in **Exhibit I-6**.
 7. Eighty-four million dollars (\$84,000,000) for Drinking Water Cistern Projects (Expenditure 5.15), as set forth in **Exhibit I-7**.
- C. The Department of Water Resources, Division of Natural Resources, is authorized to execute these Water and Wastewater Projects directly, or through the use of contractors and sub-recipients. The Department of Water Resources shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications.

SECTION EIGHT. APPROVAL OF BROADBAND PROJECTS EXPENDITURE PLANS

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Broadband Projects Expenditure Plan set forth in **Exhibits J** and **J-1** through **J-3**.
- B. The Navajo Nation hereby approves total funding for the NNFRE Broadband Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of one hundred and twenty million (\$120,000,000) and allocates the funding as follows:
 1. Sixty million (\$60,000,000) to the NNFRE Broadband Office, for Broadband "Middle Mile" Projects Expenditure Plan (Expenditure Category 5.21), as set forth in **Exhibit J-1**, with administrative oversight by the Office of the President and Vice-President and joint legislative oversight by the Health Education Human Services and Resources and Development Committees;
 2. Forty million (\$40,000,000) to the NNFRE Broadband Office, for Broadband "Last Mile" Projects Expenditure Plan (Expenditure Category 5.19), as set forth in **Exhibit J-2**, with administrative oversight by the Office of the

President and Vice-President and joint legislative oversight by the Health Education Human Services and Resources and Development Committees;

3. Twenty million (\$20,000,000) to the Division of General Services for matching funds for the federal Infrastructure Investment Jobs Act (IIJA) match requirement, (Expenditure Category 5.20), as set forth in **Exhibit J-3**, with administrative oversight by the Office of the President and Vice-President and legislative oversight by the Resources and Development Committees.
- C. Funding can be transferred between "Middle Mile" Projects (**Exhibit J-1**) and "Last Mile" Projects (**Exhibits J-2**) with approval of Administrative Oversight and confirmation from NNDOJ that the funding is only used for Expenditure Categories 5.19 and/or 5.21.
 - D. At least ten million dollars (\$10,000,000) of the NNFRF allocations for the "Middle Mile" and "Last Mile" Broadband Expenditure Plans shall be devoted to projects supporting the Navajo Nation's portion of Highway 191 included in Arizona's Smart Highway Corridor Initiative. See NABIAP-21-20.
 - E. The NNFRF Broadband Office is authorized to execute these Broadband Projects directly, or through the use of qualified contractors and sub-recipients procured through an open competitive process consistent with Navajo procurement laws and regulations.
 - F. The Office of the President and Vice-President shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications and contract deliverables.
 - G. If a permanent Broadband Office is established outside of the NNFRF Office through formal adoption of the necessary Plan of Operation, all funding and responsibilities allocated herein to the NNFRF Broadband Office shall be immediately transferred to the permanent Broadband Office.

SECTION NINE. APPROVAL OF HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Home Electricity Connection and Electric Capacity Projects Expenditure Plan set forth in **Exhibit K**.

- B. The Navajo Nation hereby approves total funding for the NNFRF Home Electricity Connection and Electric Capacity Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of ninety-six million four hundred thousand dollars (\$96,400,000) as follows:
1. Ninety-six million four hundred thousand dollars (\$96,400,000) to the Division of Community Development for Connecting Homes to Electricity Projects as Housing Support: Other Housing Assistance (Expenditure Category 2.18), as set forth in **Exhibit K**, with administrative oversight by the NNFRF Office and legislative oversight by the Resources and Development Committee.
- C. The Division of Community Development is authorized to execute these Home Electricity Connection and Electric Capacity Projects directly, or through use of contractors and sub-recipients. The Division of Community Development shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications.

SECTION TEN. APPROVAL OF HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Housing Projects and Manufactured Housing Facilities Expenditure Plan that includes Housing, Veterans Housing, Housing Manufacturing Facilities, and Housing for the Former Bennett Freeze Area and Navajo Partitioned Lands Projects, as set forth in **Exhibits L** and **L-1** through **L-4**.
- B. The Navajo Nation hereby approves total funding for the NNFRF Housing Projects and Manufactured Housing Facilities Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of one hundred forty-five million five hundred fifty thousand dollars (\$145,550,000) as follows:
1. Fifty million dollars (\$50,000,000) to the Community Housing and Infrastructure Department ("CHID") for New Housing Projects, as Long-Term Housing Security: Services for Unhoused Persons (Expenditure Category 2.15), as set forth in **Exhibit L-1**, with administrative oversight by the Division of Community Development and legislative oversight by the Resources and Development Committee.

2. Fifty million dollars (\$50,000,000) to the Navajo Nation Veterans Administration Veterans Housing Program for New Housing Projects, as Long-Term Housing Security: Services for Unhoused Persons (Expenditure Category 2.16) as set forth in **Exhibit L-2**, with administrative oversight by the Navajo Nation Veterans Administration and legislative oversight by the Health, Education and Human Services Committee.
 3. Thirty million dollars (\$30,000,000) to the Community Housing and Infrastructure Department ("CHID") for the design and construction of up to three (3) Regional Housing Manufacturing Facilities with locations in Tuba City, Sanders, Chinle, Shiprock, or Gallup areas, as Long-Term Housing Security: Affordable Housing (Expenditure Category 2.15), as set forth in **Exhibit L-3**, with administrative oversight by the Division of Community Development and legislative oversight by the Resources and Development Committee.
 4. Fifteen million five hundred fifty thousand dollars (\$15,550,000) to the Navajo Hopi Land Commission Office for Housing for the Former Bennett Freeze Area and Navajo Partitioned Lands to purchase modular homes for people within the twenty-three (23) impacted Chapters and for planning of a manufactured housing plant in Nahata Dziil Chapter, as Long-Term Housing Security: Affordable Housing (Expenditure Category 2.15), as set forth in **Exhibit L-4**, with administrative oversight by the Division of Community Development and legislative oversight by the Resources and Development Committee.
- C. The Housing Projects assigned to CHID, the Veterans Housing Program, and Navajo Hopi Land Commission Office are need-based.
 - D. The eligibility criteria for receiving services under the Housing Projects assigned to CHID shall be approved by the Resources and Development Committee by resolution and shall include equal distribution by Delegate Region.
 - E. The eligibility criteria for receiving services under the Veterans Housing Projects Expenditure Plan assigned to the Veterans Housing Program shall be approved by the Health, Education and Human Services Committee through resolution.
 - F. The eligibility criteria for receiving services under the Housing for the Former Bennett Freeze Area and Navajo Partitioned Lands Expenditure Plan assigned to the Navajo Hopi

Land Commission Office shall be approved by the Navajo-Hopi Land Commission through resolution.

- G. To the fullest extent possible, all new housing shall be accessible to persons with physical disabilities and shall meet the standards and specifications within the Americans with Disabilities Act.

SECTION ELEVEN. APPROVAL OF THE BATHROOM ADDITIONS EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Bathroom Additions Expenditure Plan set forth in **Exhibits M and M-1**.
- B. The Navajo Nation hereby approves total funding for the NNFRF Bathroom Additions Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of one hundred fifty million dollars (\$150,000,000) to be allocated as follows:
1. One hundred fifty million dollars (\$150,000,000) to the Division of Community Development for Bathroom Additions, as Other Public Health Services (Expenditure Category 1.14), as set forth in **Exhibit M-1**, with administrative oversight by the Navajo Nation Fiscal Recovery Funds Office and legislative oversight by the Resources and Development Committee.
 2. The allocation to the Division of Community shall be further allocated in the amount of six million two hundred fifty thousand dollars (\$6,250,000) per Delegate Region as set forth in **Exhibit M**.
- C. The Bathroom Additions Expenditure Plan is need-based. The application process and criteria are included in **Exhibit M-1**.
- D. The Division of Community Development is authorized to execute these Bathroom Additions Projects directly, or through the use of contractors and sub-recipients. The Division of Community Development shall exercise administrative oversight over construction contracts and subawards to sub-recipients and shall ensure that costs are incurred only for FRF-eligible purposes, and that projects are completed on schedule, within the authorized budgets, and according to project specifications.

SECTION TWELVE. ADMINISTRATION OF NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS

- A. All entities receiving Navajo Nation Fiscal Recovery Funds, whether through an immediate allocation under Resolution CJY-41-21 or subsequently approved NNFRF Expenditure Plan, shall comply with all Navajo Nation laws, policies, regulations, rules, and procedures, specifically including, but not limited to, those governing the NNFRF and the expenditure of such funds, and any additional terms set forth in a grant, sub-recipient, or similar agreement.
- B. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning that the Navajo Nation must obligate FRF funds by that date. Treasury guidance provides that "incurred" shall have the same meaning given to "financial obligation" under the Uniform Guidance at 2 CFR 200.1: "Financial obligations, when referencing a recipient's or sub-recipient's use of funds under a Federal award, means orders placed for property and services, contracts and sub-awards made, and similar transactions that require payment."
1. For internal Navajo Nation purposes, the terms "obligated" and "encumbered" are defined in Resolution BFS-31-21, Section Three on page 3 of Exhibits 1 through 5. BFS-31-21 provides that, "'Obligated' means that an order has been placed for the delivery of goods or property, or the performance of services, that will be paid for with Fiscal Recovery Funds; that a contract or subcontract has been executed promising payment with Fiscal Recovery Funds; or that a similar transaction has occurred requiring payment of Fiscal Recovery Funds. For internal Navajo Nation purposes, funds are obligated or encumbered upon completion of OOC's review and approval of contracts and purchase requisitions, and OOC's recording of an encumbrance in the FMIS, not upon execution of a contract."
 2. Any NNFRF funds not obligated and encumbered by the end of the third quarter of Fiscal Year 2024 shall be reported to the Naabik'iyáti' Committee and are subject to reversion to the NNFRF by resolution of the Naabik'iyáti' Committee. Reverted NNFRF funds will then be available for reallocation to other NNFRF Expenditure Plans pursuant to resolution(s) of the Navajo Nation Council enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- C. Projects and/or services funded with Navajo Nation Fiscal Recovery Funds must be completed and all NNFRF funds fully spent by June 30, 2026, unless an earlier date is determined through resolution of the Navajo Nation Council.

- D. After approval pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12), Navajo Nation Fiscal Recovery Fund Expenditure Plan funds shall be available for use by a funding recipient that is a branch, division, department, or other unit of the Navajo Nation central government as soon as a detailed budget has been administratively approved and the Office of Management and Budget has entered such budget into the Financial Management Information System (FMIS).
- E. The Office of the Controller shall release Navajo Nation Fiscal Recovery Fund Expenditure Plan funds to a funding recipient that is external to the Navajo Nation central government, including LGA-Certified chapters, Navajo Nation owned entities, and other external entities, pursuant to the fund distribution schedule recommended by the Navajo Nation government entity with administrative oversight and approved by the Office of the Controller and included in a fully executed sub-recipient, or similar agreement deemed legally sufficient by the Navajo Nation Department of Justice.
- F. Awarded Navajo Nation Fiscal Recovery Funds shall only be obligated and expended on projects and/or services, including need-based projects and services, that were included as an immediate allocation under Resolution CJY-41-21 or are included in a NNFRF Expenditure Plan approved and adopted by a Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- G. All proposed modifications to an approved NNFRF Expenditure Plan or an approved NNFRF Expenditure Plan budget shall comply with section 8 of Exhibits 1 through 5 of Resolution BFS-31-21.
1. Any increase in funding for an approved NNFRF Expenditure Plan shall require approval by Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12), unless such increase in funding is due to an administratively approved budget transfer from the Construction Contingencies Expenditure Plan.
 - a. Proposed modifications of Expenditure Plans shall be submitted to the Navajo Nation Department of Justice ("NNDOJ") for an eligibility determination review to ensure the proposed modification will be an eligible use of FRF.
 - b. Modifications that change the purpose and intent of the Expenditure Plan or projects and services within the

approved Expenditure Plan or that substantially change the scope of work of the Expenditure Plan shall require approval by the Navajo Nation Council.

- c. As set forth in Resolution BFS-31-21, NNDOJ shall make the determination whether Navajo Nation Council approval of the modification is required.
 - d. After NNDOJ has reviewed the request for a modification of an approved Expenditure Plan and determined that legislative approval is not needed, or after the modification is approved by a Navajo Nation Council resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12), the Administrative Oversight entity acting on behalf of the Funding Recipient shall submit a budget revision request to Office of Management & Budget ("OMB"), if needed. The Budget Instruction Manual provisions regarding budget revision requests shall apply.
- H. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, may be administratively moved between projects and/or services included within the same Expenditure Plan, as long as such projects or services share the same Treasury Expenditure Category for reporting purposes. NNDOJ shall verify that the projects and/or services share the same Expenditure Category before any NNFRE funding is moved between projects and/or services.
- I. Awarded Navajo Nation Fiscal Recovery Funds, including cost savings, cannot be moved between Expenditure Plans without approval by a Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12), unless such movement of funds is due to an administratively approved budget transfer from the Construction Contingencies Expenditure Plan to other NNFRE expenditure plans experiencing cost overruns due to construction contingencies.
- J. Approved Expenditure Plans for need-based projects and services, such as Bathroom Addition or Home Electricity Connection projects, may be administratively modified without Navajo Nation Council action as long as the total funding awarded for the Expenditure Plan is not increased and the new project or service is within the same Expenditure Category.
- K. To add projects or services to an approved Expenditure Plan when such projects and/or services are not need-based projects or services, shall require a NNDOJ initial eligibility

determination pursuant to Resolution BFS-31-21 and the addition must be approved through resolution by the Standing Committee(s) having oversight over the Expenditure Plan and the Budget and Finance Committee.

1. If the new project and/or service increases the total funding awarded for the Expenditure Plan or does not share the same Expenditure Category as the Expenditure Plan, Resolution BFS-31-21 must be fully complied with and the addition can only be added through Navajo Nation Council resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- L. The Emergency Procurement provisions set forth in Resolution CJY-41-21, Section Ten, shall apply to all NNFRF Expenditure Plans enacted herein, as well as to the federal American Rescue Plan Act ("ARPA") and all Fiscal Recovery Fund procurements by the Navajo Nation, including its LGA-Certified Chapters, and Navajo Nation-owned entities.
- M. Navajo Nation programs and offices receiving NNFRF allocations in Resolution CJY-41-21 for central support and/or regulatory services shall use such funding to develop the legal, financial, organizational, managerial, administrative, regulatory, and reporting framework necessary to support the expeditious completion of NNFRF funded projects and the provision of NNFRF funded services, and may also use such funding to administer projects that are funded from non-FRF sources provided that NNDOJ determines that all proposed expenditures of NNFRF administration funding are allowable under the Treasury Guidance.
- N. The Office of the Auditor General's Plan of Operation at 12 N.N.C. § 9 provides for withholding certain funds from sanctioned chapters, divisions, and programs. Under 12 N.N.C. § 9(B), following the Budget and Finance Committee's approval of sanctions, OOC shall cause 10% of "monies payable from any Governmental Fund of the Navajo Nation as defined at 12 N.N.C. section 810" of the Appropriations Act. The Navajo Nation hereby determines that Navajo Nation Fiscal Recovery Funds are not a "Governmental Fund" for purposes of sanctions, and therefore direct allocations of NNFRF to sanctioned chapters, divisions, and programs are not subject to withholding.
- O. All entities receiving Navajo Nation Fiscal Recovery Funds shall follow and apply Generally Accepted Accounting Principles (GAAP), as established by the Governmental Accounting Standards Board (GASB) for governmental entities and by the Financial Accounting Standards Board (FASB) for

public and private companies and non-profits, in reporting, recording, and accounting for such Funds.

- P. Fraud, misuse of funds, violation of applicable Navajo Nation or federal laws and regulations, non-compliance with FRF agreements governing grants or sub-awards, and false statements or claims by any individual or entity receiving or administering Navajo Nation Fiscal Recovery Funds may result in administrative, civil, or criminal sanctions and penalties, debarment and suspension, ineligibility for future Navajo Nation awards or business opportunities, and the Navajo Nation may pursue any other legal action or remedy available by law.

SECTION THIRTEEN. APPROVING FUTURE ALLOCATION OF UNALLOCATED NAVAJO NATION FISCAL RECOVERY FUNDS TO THE CONSTRUCTION CONTINGENCIES EXPENDITURE PLAN

- A. The Navajo Nation hereby approves and adopts the Navajo Nation Fiscal Recovery Fund Construction Contingencies Expenditure Plan set forth in **Exhibit N**.
- B. The Navajo Nation hereby approves total funding for the NNFRF Construction Contingencies Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of five hundred dollars (\$500) to establish a contingency fund for NNFRF construction projects:
1. Five hundred dollars (\$500) to the Fiscal Recovery Fund Office for the Construction Contingencies Expenditure Plan, as Revenue Replacement: Provision of Government Services (Expenditure Category 6.1), as set forth in **Exhibit N**, with administrative oversight by the Office of the President and Vice President and legislative oversight by the Resources and Development Committee.
- C. The purpose of the NNFRF Construction Contingencies Expenditure Plan is to use available, i.e., unallocated, unencumbered, cost savings, etc., funds from other NNFRF expenditure plans to fund the costs of construction contingencies on NNFRF-funded construction projects.
- D. Additional funds may be needed in the future for construction contingencies related to the inflationary costs of labor and building materials. The Navajo Nation may determine it is necessary and appropriate to allocate Navajo Nation funds from the Síhasin Fund or the General Fund to pay the costs of construction contingencies on NNFRF-funded construction projects.

- E. Notwithstanding procedures for budget transfers in the Budget Instructions Manual and the modification process established in BFC-31-21, the transfer of funds from the NNFRF Construction Contingencies Expenditure Plan business unit to other NNFRF expenditure plans business units shall be handled administratively and shall not require a resolution of the Navajo Nation Council or a Standing Committee.
- F. The Office of the President and Vice President, NNFRF Office, Office of Management and Budget, and Office of the Controller, with advice from the Department of Justice, shall develop a streamlined administrative process for approving requests for funding from the NNFRF Construction Contingencies Expenditure Plan, and to process budget transfers.
- G. All NNFRF funds that have not been allocated to an NNFRF Expenditure Plan through a Navajo Nation Council Resolution enacted pursuant to Resolution CJY-41-21 by the end of the second quarter of Fiscal Year 2024 may be allocated to the NNFRF Construction Contingencies Expenditure Plan through Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- H. All NNFRF funds that have been allocated to an NNFRF expenditure plan through a Navajo Nation Council Resolution enacted pursuant to Resolution CJY-41-21, but that have not been obligated and encumbered by 5:00 p.m. on June 30, 2024, shall automatically revert to the NNFRF and shall be reallocated to the NNFRF Construction Contingencies Expenditure Plan or other NNFRF expenditure plans through Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- I. All obligated and encumbered NNFRF funds that have not been expended by the Navajo Nation and its sub-recipients by 5:00 p.m. on June 30, 2026, shall automatically revert to the NNFRF and shall be reallocated to the NNFRF Construction Contingencies Expenditure Plan or other NNFRF expenditure plans through Navajo Nation Council Resolution enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- J. Funding allocated to the Chapter Assistance Expenditure Plan that is not obligated and encumbered by DCD and/or the LGA-Certified Chapters by November 20, 2024 shall be automatically reallocated to the Construction Contingencies Expenditure Plan. Such reallocation shall not require a resolution by the Navajo Nation Council enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

- K. Funding allocated to the Chapter Assistance Expenditure Plan that is not expended by DCD and/or the LGA-Certified Chapters by November 20, 2026 shall be automatically reallocated to the Construction Contingencies Expenditure Plan and such reallocation shall not require a resolution by the Navajo Nation Council enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- L. The Division of Community Development, sub-recipient LGA-Certified Chapters, the Office of the Controller, and the Office of Management and Budget shall cooperate to ensure that such funds from the Chapter Assistance Expenditure Plan are automatically reallocated to the Construction Contingencies Expenditure Plan.
- M. The requirement in CJY-41-21, Section Three (F), to establish a contingency reserve for NNFRF construction projects shall first be satisfied by the Construction Contingencies Expenditure Plan. If a contingency(s) cannot be funded through the Construction Contingencies Expenditure Plan, the contingency(s) shall be implemented on a case-by-case basis through resolution(s) approved by the Navajo Nation Council and enacted pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION FOURTEEN. REALLOCATION OF SURPLUS FUNDS PREVIOUSLY ALLOCATED UNDER SECTION 7 OF CJY-41-21

- A. Section 7 of Resolution CJY-41-21 allocated ten percent (10%) of the Fiscal Recovery Funds received by the Navajo Nation to fund administrative costs of central support service and regulatory offices. The Office of the President and Vice-President was responsible for apportioning ninety percent (90%) of the ten percent (10%). The Speaker of the Navajo Nation Council, after consultation with the Naabik'iyáti' Committee, is responsible apportioning the remaining ten percent (10%).
- B. Section 7, Paragraph F, of Resolution CY-41-21 provides that any funding unspent or unencumbered at the end of the second quarter of Fiscal Year 2024 shall be reallocated to the NNFRF and be available for allocation to other NNFRF projects and services.
- C. The Office of the President and the Vice-President has determined that forty-two million one hundred fifty-one thousand five hundred and thirty-one dollars (\$42,151,531)

should be reallocated to the NNFRF and be available for allocation to other NNFRF expenditure plans.

- D. The Speaker of the Navajo Nation Council has determined that five million (\$5,000,000) should be reallocated to the NNFRF and be available for allocation to other NNFRF expenditure plans.

SECTION FIFTEEN. REPORTING

- A. All entities receiving Navajo Nation Fiscal Recovery Funds shall keep and maintain accurate and complete financial data and records sufficient to demonstrate that the Fiscal Recovery Funds appropriated to the Navajo Nation have been used by the reporting entity in accordance with the provisions of ARPA and timely relay such reports and records to the Administrative Oversight entity, Office of the Controller, Office of Management and Budget, NNFRF Office, and legislative oversight as directed in the grant or sub-recipient agreements if any, and when requested. Such reports and records shall be maintained for at least seven (7) years after the project and/or service has been completed. The Office of the Controller shall be responsible for compiling and providing any and all records and financial reports required by the U.S. Treasury.
- B. All entities receiving Navajo Nation Fiscal Recovery Funds through an approved Expenditure Plan shall report the status of their NNFRF allocations to their respective legislative oversight committees at the end of each Fiscal Year quarter. The entity with administrative oversight over the Expenditure Plan shall review the quarterly report prior to its presentation and shall participate in the presentation to the oversight committee(s).
- C. The Executive Director of the NNFRF Office, with the assistance of the Office of the Controller and Office of Management and Budget, shall report the status of all allocated Navajo Nation Fiscal Recovery Funds and NNFRF Expenditure Plans to the Budget and Finance Committee and Naabik'íyáti' Committee at the end of each Fiscal Year quarter.

SECTION SIXTEEN. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION SEVENTEEN. AMENDMENTS

Amendments to this legislation shall only be adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION EIGHTEEN. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

SECTION NINETEEN. DIRECTIVES

- A. All Navajo Nation government programs, offices, and divisions, as well as Navajo Nation-owned entities, specifically including those programs, offices, divisions, and Navajo Nation-owned entities receiving Navajo Nation Fiscal Recovery Funds, shall prioritize the implementation and completion of NNFRF projects and/or services.
- B. Navajo Nation regulatory offices participating in the One Stop Shop shall assess federal and state requirements, procedures, and processing times that pose challenges to the rapid implementation of NNFRF Expenditure Plans. Within thirty (30) days following the enactment of this legislation, the One Stop Shop shall submit written recommendations to the Office of the President and Vice President and the Office of the Speaker regarding how the Nation can work with its federal and state partners to address these external challenges.
- C. Navajo Nation regulatory offices participating in the One Stop Shop, and central support service offices such as the Fiscal Recovery Funds Office, Office of the Controller, Office of Management and Budget, and NNDOJ, shall assess the internal Navajo Nation structural and procedural issues that pose challenges to the rapid implementation of NNFRF Expenditure Plans. These Executive Branch divisions, departments, and offices shall develop strategic responses to increase government efficiency and recommend enhanced and streamlined Executive Branch procedures to expedite NNFRF projects.
- D. Within ten (10) days after the enactment of this legislation, the Navajo Nation Department of Justice shall inform Delegates, Chapters, and the Division of Community Development, in writing, whether septic tank cleaning is an eligible FRF

expenditure and whether septic tank clean outs can be included in Delegate Region Project Plans.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 24th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 20 in Favor, and 02 Opposed, on this 30th day of June 2022.


Honorable Seth Damon, Speaker
24th Navajo Nation Council

July 8, 2022
DATE

Motion: Honorable Edmund Yazzie
Second: Honorable Wilson Stewart, Jr.

Speaker Seth Damon not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this 15th day of July, 2022.

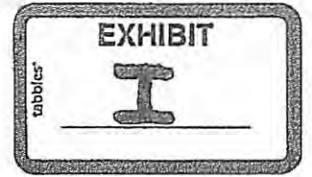

Jonathan Nez, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(11), on this _____ day of _____, 2022 for the reason(s) expressed in the attached letter to the Speaker.

Jonathan Nez, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2022.

Jonathan Nez, President
Navajo Nation



Water and Wastewater

Description	Category	\$
Wastewater: Centralized Wastewater Treatm	5.1	\$33,675,338
Wastewater: Collection and Conveyance	5.2	\$6,008,874
Drinking Water: Distribution and Transmissio	5.10	\$10,030,000
Drinking Water: Transmission & Distribution	5.11	\$51,085,788
Drinking Water: Source	5.13	\$29,200,000
Drinking Water: Storage	5.14	\$1,000,000
Drinking Water: Cistern Systems	5.15	\$84,000,000
Total Funding		\$215,000,000

Appendix F –
Interagency Agreement
between the U.S.
Department of Treasury
and The Navajo Nation

OMB Approved No. 1505-0271
Expiration Date: 11/30/2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: The Navajo Nation PO Box 7440 Window Rock, Arizona 86515-7440	DUNS Number: 009001702 Taxpayer Identification Number: 860092335 Assistance Listing Number and Title: 21.027
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorizes the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipients hereby agrees, as a condition to receiving such payment from Treasury, agrees to the terms attached hereto.

Recipient:

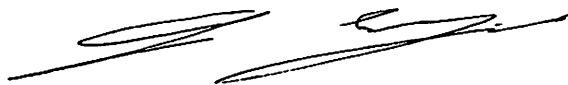
Authorized Representative Signature (above)

Authorized Representative Name: Jonathan Nez

Authorized Representative Title: President

Date Signed: _____

U.S. Department of the Treasury:



Authorized Representative Signature (above)

Authorized Representative Name: Jacob Leibenluft

Authorized Representative Title: Chief Recovery Officer, Office of Recovery Programs

Date Signed: May 27, 2021

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

**U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS**

1. Use of Funds.

- a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with sections 602(c) and 603(c) of the Social Security Act (the Act) and Treasury's regulations implementing that section and guidance.
- b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.

2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024.

3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury, as it relates to this award.

4. Maintenance of and Access to Records

- a. Recipient shall maintain records and financial documents sufficient to evidence compliance with sections 602(c) and 603(c), Treasury's regulations implementing those sections, and guidance regarding the eligible uses of funds.
- b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
- c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.

5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.

6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.

7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.

8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of sections 602 and 603 of the Act, regulations adopted by Treasury pursuant to sections 602(f) and 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.

- v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award, include, without limitation, the following:
- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

10. Remedial Actions. In the event of Recipient's noncompliance with sections 602 and 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of sections 602(c) or 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in sections 602(e) and 603(e) of the Act.

11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to The Navajo Nation by the U.S. Department of the Treasury."

14. Debts Owed the Federal Government.

- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCE OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the The Navajo Nation (hereinafter referred to as "the Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. This assurance applies to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of this assurance apply to all of the recipient's programs, services and activities, so long as any portion of the recipient's program(s) is federally assisted in the manner proscribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal funds, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166; directives; circulars; policies; memoranda and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons during development of applicable budgets and when conducting programs, services and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on LEP, please visit <http://www.lep.gov>.
4. Recipient acknowledges and agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any

personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property;

7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. That is, the Recipient shall comply with information requests, on-site compliance reviews, and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI..
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.
10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that he/she has read and understood its obligations as herein described, that any information submitted in conjunction with this assurance document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Appendix G – U.S.
Department of Treasury
Compliance and
Reporting Guidance for
SLFRF

Compliance and Reporting Guidance

State and Local Fiscal Recovery Funds



September 20, 2022
Version: 5.0



Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

In May 2021, Treasury published the interim final rule (“IFR”) describing eligible and ineligible uses of SLFRF, as well as other program requirements. The initial versions of this Compliance and Reporting guidance reflected the IFR and its eligible use categories. On January 6, 2022, the U.S. Department of the Treasury (“Treasury”) adopted the final rule implementing the SLFRF program. The final rule became effective on April 1, 2022. Prior to the final rule effective date, the IFR remained in effect; funds used consistently with the IFR while it was in effect were in compliance with the SLFRF program. However, recipients could choose to take advantage of the final rule’s flexibilities and simplifications ahead of the effective date. Recipients may consult the [Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule](#) for more information on compliance with the IFR and the final rule.

To support recipients in complying with the final rule, this reporting guidance reflects the final rule and provides additional detail and clarification for each recipient’s compliance and reporting responsibilities under the SLFRF program, and should be read in concert with the Award Terms and Conditions, the authorizing statute, the [final rule](#), other program guidance including the [Final Rule FAQs](#), and other regulatory and statutory requirements, including regulatory requirements under the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards \(“Uniform Guidance” or 2 CFR Part 200\)](#), and [2021 SLFRF Compliance Supplement – Technical Update and 2022 SLFRF Compliance Supplement](#). Please see the [Assistance Listing](#) in SAM.gov under assistance listing number (formerly known as CFDA number) 21.027 for more information.

Please Note: This guidance document applies to the SLFRF program only and does not change or impact reporting and compliance requirements for the Coronavirus Relief Fund (“CRF”) established by the CARES Act.

This guidance includes two parts:

Part 1: General Guidance

This section provides an orientation to recipients’ compliance responsibilities and Treasury’s expectations and recommends best practices where appropriate under the SLFRF program.

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B. Statutory Eligible Uses.....	P. 4
C. Treasury’s Final Rule.....	P. 5
D. Uniform Guidance (2 CFR Part 200).....	P. 7
E. Award Terms and Conditions.....	P. 11



Part 2: Reporting Requirements

This section provides information on the reporting requirements for the SLFRF program.

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- B. Project and Expenditure Report..... P. 17
- C. Recovery Plan Performance Report..... P. 34

- Appendix 1: Expenditure Categories..... P. 42
- Appendix 2: Evidenced-Based Intervention Additional Information..... P. 47
- Appendix 3: Expenditure Categories under the Interim Final Rule..... P. 48

OMB Control Number: 1505-0271

OMB Expiration Date: 04/30/2025

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: 30 minutes for Title VI Assurances, 2 hours per response for the Interim Report, 6 hours per response for the Project and Expenditure Report and 100 hours per response for the Recovery Plan Performance Report (if applicable). Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.



Part 1: General Guidance

This section provides an orientation on recipients' compliance responsibilities and Treasury's expectations and recommended best practices where appropriate under the SLFRF program.

Recipients under the SLFRF program are the eligible entities identified in sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "SLFRF statute") that receive an SLFRF award. Subrecipients under the SLFRF program are entities that receive a subaward from a recipient to carry out the purposes (program or project) of the SLFRF award on behalf of the recipient.

Recipients are accountable to Treasury for oversight of their subrecipients in accordance with 2 CFR 200.332, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's interim final rule and final rule, applicable federal statutes, regulations, and reporting requirements.

A. Key Principles

There are several guiding principles for developing your own effective compliance regimes:

- Recipients and subrecipients are the first line of defense and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, or abuse associated with their SLFRF award;
- Many SLFRF-funded projects respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and recipients must balance facilitating simple and rapid program access widely across the community and maintaining a robust documentation and compliance regime;
- Treasury encourages recipients to use SLFRF-funded projects to advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration guidance per Memorandum M-21-20 and Memorandum M-20-21.

B. Statutory Eligible Uses

As a recipient of an SLFRF award, your organization has substantial discretion to use the award funds in the ways that best suit the needs of your constituents – as long as such use fits into one of the following four statutory categories:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the recipient that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
3. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
4. To make necessary investments in water, sewer, or broadband infrastructure.

Treasury adopted an interim final rule in May 2021 and the final rule on January 6, 2022 to implement these eligible use categories and other restrictions on the use of funds under the SLFRF



program. The final rule took effect on April 1, 2022, and the interim final rule remained in effect until that time, although recipients could choose to take advantage of the final rule's flexibilities and simplifications prior to April 1, 2022. Recipients may consult the Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule for more information on compliance with the interim final rule and the final rule.

It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with the program's requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water, broadband, and sewer infrastructure projects. Recipients should ensure they maintain proper documentation supporting determinations of costs and applicable compliance requirements, and how they have been satisfied as part of their award management, internal controls, and subrecipient oversight and management.

C. Treasury's Final Rule

Treasury's final rule details recipients' compliance responsibilities and provides additional information on eligible and restricted uses of SLFRF award funds and reporting requirements.

- 1. Eligible and Restricted Uses of SLFRF Funds.** As described in the SLFRF statute and summarized above, there are four enumerated eligible uses of SLFRF award funds. As a recipient of an award under the SLFRF program, your organization is responsible for complying with requirements for the use of funds. In addition to determining a given project's eligibility, recipients are also responsible for determining subrecipient's or beneficiaries' eligibility, and must monitor subrecipients' use of SLFRF award funds.

To help recipients build a greater understanding of eligible uses, Treasury's final rule establishes a framework for determining whether a specific project would be eligible under the SLFRF program, including some helpful definitions. For example, Treasury's final rule establishes:

- A framework for determining whether a project responds to the COVID-19 public health emergency or its negative economic impacts;
- Definitions of "eligible employers," "essential work," "eligible workers," and "premium pay" for cases where premium pay is an eligible use;
- The option to select between a standard amount of revenue loss or complete a full revenue loss calculation of revenue lost due to the COVID-19 public health emergency;
- A framework for necessary water and sewer infrastructure projects that aligns eligible uses with projects that are eligible under the Environmental Protection Agency's Drinking Water and Clean Water State Revolving Funds along with certain additional projects, including a wider set of lead remediation and stormwater infrastructure projects and aid for residential wells; and
- A framework for necessary broadband projects that allows for projects that are designed to provide service of sufficient speeds to eligible areas, as well as an affordability requirement for providers that provide service to households.

Treasury's final rule also provides more information on important restrictions on use of SLFRF award funds, including that recipients other than Tribal governments may not deposit SLFRF funds into a pension fund; and recipients that are States or territories may not use SLFRF funds to offset a reduction in net tax revenue resulting from the recipient's change in law, regulation, or administrative interpretation. In addition, recipients may not use SLFRF funds directly to service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund. Recipients should refer to Treasury's final rule for more information on these restrictions.



Treasury's final rule outlines that funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, the final rule notes that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget ("OMB") has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. For example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects.

2. **Eligible Costs Timeframe.** Your organization, as a recipient of an SLFRF award, may use SLFRF funds to cover eligible costs that your organization incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the recipient State, territorial, local, or Tribal government prior to March 3, 2021 are not eligible, as provided for in Treasury's final rule.

Recipients may, in certain circumstances, use SLFRF award funds for the eligible use categories described in Treasury's final rule for costs incurred prior to March 3, 2021. Specifically,

- a. **Public Health/Negative Economic Impacts:** Recipients may use SLFRF award funds to provide assistance to households, small businesses, and nonprofits to respond to the public health emergency or negative economic impacts of the pandemic – such as rent, mortgage, or utility assistance – for costs incurred by the beneficiary (e.g., a household) prior to March 3, 2021, provided that the recipient State, territorial, local or Tribal government did not incur the cost of providing such assistance prior to March 3, 2021.
- b. **Premium Pay:** Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be "in addition to" wages and remuneration already received and the obligation to provide such premium pay must not have been incurred by the recipient prior to March 3, 2021.
- c. **Revenue Loss:** Recipients have broad discretion to use funds for the provision of government services to the extent of reduction in revenue. While calculation of lost revenue is based on the recipient's revenue in the last full fiscal year prior to the COVID-19 public health emergency, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- d. **Investments in Water, Sewer, and Broadband:** Recipients may use SLFRF award funds to make necessary investments in water, sewer, and broadband infrastructure. Recipients may use SLFRF award funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred by the recipient after March 3, 2021.

Any funds not obligated or expended for eligible uses by the timelines above must be returned to Treasury, including any unobligated or unexpended funds that have been provided to subrecipients and contractors as part of the award closeout process pursuant to 2 C.F.R. 200.344(d). For the purposes of determining expenditure eligibility, Treasury's final rule provides



that “incurred” means the recipient has incurred an obligation, which has the same meaning given to “financial obligation” in 2 CFR 200.1.

3. **Reporting.** Generally, recipients must submit one initial Interim Report, quarterly or annual Project and Expenditure reports which include subaward reporting, and in some cases annual Recovery Plan reports. Treasury’s final rule and Part 2 of this guidance provide more detail around SLFRF reporting requirements.
4. **Expenditure Categories.** Treasury’s final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients report on a broader set of eligible uses and associated Expenditure Categories (“EC”), which began with the April 2022 Project and Expenditure Report. Appendix 1 includes the new ECs, as well as a reference to previous ECs used for reporting under the interim final rule.

Assistance Listing

The Assistance Listing for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was published May 28, 2021 on SAM.gov under Assistance Listing Number (“ALN”), formerly known as CFDA Number, **21.027**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The ALN is the unique 5-digit number assigned to identify a federal assistance listing, and can be used to search for federal assistance program information, including funding opportunities, spending on USASpending.gov, or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines Treasury issued initial payments under an existing ALN, 21.019, assigned to the CRF. If you have already received funds or captured the initial number in your records, please update your systems and reporting to reflect the new ALN 21.027 for the SLFRF program. **Recipients must use ALN 21.027 for all financial accounting, subawards, and associated program reporting requirements for the SLFRF awards.**

D. Uniform Administrative Requirements

The SLFRF awards are generally subject to the requirements set forth in the Uniform Guidance. In all instances, your organization should review the Uniform Guidance requirements applicable to your organization’s use of SLFRF funds, and SLFRF-funded projects. Additional details about applicability of certain provisions of the Uniform Guidance may be found in:

- SLFRF final rule;
- SLFRF Assistance Listing; and
- SLFRF Final Rule FAQs, including FAQ 4.9, 10.1, and Section 13.

The following sections provide a general summary of your organization’s compliance responsibilities under applicable statutes and regulations, including the Uniform Guidance, as described in the most recent compliance supplement issued by OMB. Note that the descriptions below are only general summaries and all recipients and subrecipients are advised to carefully review the Uniform Guidance requirements and any additional regulatory and statutory requirements applicable to the program.

1. **Allowable Activities.** Each recipient should review program requirements, including Treasury’s final rule and the recipient’s Award Terms and Conditions, to determine and record eligible uses



of SLFRF funds. Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

- 2. Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. Please note that as outlined in Final Rule [FAQ 13.15](#), only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart E (Cost Principles) applies to recipients' use of funds in the revenue loss eligible use category.

SLFRF funds may be, but are not required to be, used along with other funding sources for a given project. Recipients should note that SLFRF funds available under the "revenue loss" eligible use category generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, the recipient should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. For instance, recipients should note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the OMB has approved a waiver from this provision as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

Treasury's final rule, program guidance, and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonable proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F and the Compliance Supplement are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs:** Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.¹ Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs as long as they are accorded consistent treatment per 2 CFR 200.403. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as

¹ Recipients also may use SLFRF funds directly for administrative costs to improve the design and execution of programs responding to the COVID-19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts. 31 CFR 35.6(b)(3)(ii)(E)(3).



contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.²³ Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement ("NICRA") established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of SLFRF award funds. Please see Treasury's final rule for details.

3. Cash Management. SLFRF payments made to recipients are not subject to the requirements of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR Part 205 or 2 CFR 200.305(b)(8)-(9).

As such, recipients can place funds in interest-bearing accounts, do not need to remit interest to Treasury, and are not limited to using that interest for eligible uses under the SLFRF award.

4. Eligibility. Under this program, recipients are responsible for ensuring funds are used for eligible purposes. Generally, recipients must develop and implement policies and procedures, and retain records, to determine and monitor implementation of criteria for determining the eligibility of beneficiaries and/or subrecipients. Your organization, and if applicable, the subrecipient(s) administering a program on behalf of your organization, will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility, including a valid SAM.gov registration (except with respect to individuals or households for which a SAM.gov registration is not required). Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.

5. Property Management. Any purchase of real or personal property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D, unless stated otherwise by Treasury. For example, as outlined in Final Rule [FAQ 13.15](#), only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. Furthermore, as outlined in Final Rule [FAQ 13.16](#), Treasury has clarified the use and disposition requirements for real and personal property, supplies, and equipment purchased with SLFRF funds.

6. Matching, Level of Effort, Earmarking. There are no matching, level of effort, or earmarking compliance responsibilities associated with the SLFRF award. See Section C.1 (Eligible and Restricted Uses of SLFRF Funds) for a discussion of restrictions on use of SLFRF funds. Please see 2. Allowable Costs/Cost Principles above for information on the use of SLFRF funds for non-Federal match or cost-sharing requirements in other Federal programs.

7. Period of Performance. Your organization should also develop and implement internal controls related to activities occurring outside the period of performance. All funds remain subject to statutory and regulatory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December

² 2 CFR 200.413 Direct Costs.

³ 2 CFR 200.414 Indirect Costs.



31, 2026. Any funds not used must be returned to Treasury as part of the award closeout process pursuant to 2 C.F.R. 200.344(d).

- 8. Procurement, Suspension & Debarment.** Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, unless stated otherwise by Treasury. As outlined in Final Rule [FAQ 13.15](#), only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327 are not included in Final Rule [FAQ 13.15](#)'s list of applicable Subpart D requirements that apply to recipients' use of funds in the revenue loss eligible use category.

The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in certain circumstances. Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance, pursuant to 2 CFR 180, requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

- 9. Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Recipients of SLFRF funds should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury has clarified in its Final Rule FAQs that recipients may add program income to the Federal award. Any program income generated from SLFRF funds must be used for the purposes and under the conditions of the Federal award. Further, Final Rule [FAQ 4.9](#) provides additional information about program income requirements applicable to certain eligible uses, and Final Rule [FAQ 13.15](#) clarifies that only a subset of the Uniform Guidance requirements at 2 CFR 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The list of applicable Subpart D requirements in Final Rule [FAQ 13.15](#) does not include the program income requirements in 2 CFR 200.307.

- 10. Reporting.** All recipients of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Your organization should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

In addition, where appropriate, your organization needs to establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. See Part 2 of this guidance for a full overview of recipient reporting responsibilities.

Consolidated jurisdictions or other types of jurisdictions that received multiple SLFRF allocations



(e.g., a county and city with a consolidated government) are only required to file once per reporting period, and such reports will cover the total SLFRF allocations received by the jurisdiction. This includes Non-entitlement units of local government (“NEUs”) and/or Units of general local government located within counties that are not units of general local government. In addition, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction’s Reporting Tier.

11. Subrecipient Monitoring. SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

Next, your organization will need to evaluate each subrecipient’s risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients’ compliance obligations.

Recipients should note that NEUs are not subrecipients under the SLFRF program. They are SLFRF recipients that report directly to Treasury.

Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

Many recipients may choose to provide a subaward or contract to other entities to provide services to other end users. For example, a recipient may provide a subaward to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the recipient intends to provide (assistance to households experiencing homelessness), and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements, whereas contractors are not subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements.

Please note that as outlined in Final Rule FAQ 13.14, recipients’ use of funds in the revenue loss eligible use category does not give rise to subrecipient relationships. As a result, subaward reporting is not required for projects in the revenue loss eligible use category.

12. Special Tests and Provisions. From time-to-time, Treasury may issue subregulatory guidance as well as frequently asked questions.

Across each of the compliance requirements above, Treasury has described some best practices for development of internal controls in **Table 1** below, with an example of each best practice.

**Table 1: Internal controls best practices**

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

E. Award Terms and Conditions

The Award Terms and Conditions of the SLFRF financial assistance agreement sets forth the compliance obligations for recipients pursuant to the SLFRF statute, the Uniform Guidance, Treasury's final rule, and applicable federal laws and regulations. Recipients should ensure they remain in compliance with all Award Terms and Conditions. These obligations include the following items in addition to those described above:

- 1. SAM.gov Requirements.** All eligible recipients are required to have an active registration with the System for Award Management ("SAM") (<https://www.sam.gov>) pursuant to 2 CFR Part 25. To ensure timely receipt of funding, Treasury has stated that NEUs who have not previously registered with SAM.gov may do so after receipt of the award, but before the submission of mandatory reporting.⁴
- 2. Recordkeeping Requirements.** Generally, your organization must maintain records and financial documents for five years after all funds have been expended or returned to Treasury, as outlined in paragraph 4.c. of the Award Terms and Conditions. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Your organization must agree to provide or make available such records to Treasury upon request, and to the Government Accountability Office ("GAO"), Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.

- 3. Single Audit Requirements.** Recipients and subrecipients that expend more than \$750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.⁵ Note that the Compliance Supplement provides information on the existing, important compliance requirements that the federal government expects to be considered as a part of such audit. For example, the SLFRF Compliance Supplement describes an alternative to the Single Audit for

⁴ See flexibility provided in https://www.whitehouse.gov/wp-content/uploads/2021/03/M_21_20.pdf.

⁵ For-profit entities that receive SLFRF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury and Treasury's OIG.



eligible recipients. Recipients should consult the Compliance Supplement for more information about the alternative compliance examination engagement. The Compliance Supplement is routinely updated, and is made available in the Federal Register and on OMB's website: <https://www.whitehouse.gov/omb/office-federal-financial-management/> Recipients and subrecipients should consult the Federal Audit Clearinghouse to see examples of Single Audit submissions.

4. **Civil Rights Compliance.** Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that non-tribal recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. As explained in Treasury FAQ 12.1, the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF program, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.



Part 2: Reporting Guidance

There are three types of reporting requirements for the SLFRF program. The report requirements are approved and documented under OMB PRA number - OMB # 1505-0271.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report. **See Section A, page 16.**
- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards equal to or greater than \$50,000, and other information. **See Section B, page 17.**
- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the “Recovery Plan”) will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury. **See Section C, page 28.**

The reporting threshold is based on the total award amount allocated by Treasury under the SLFRF program, not the funds received by the recipient as of the time of reporting.

States and territories are also required to submit information on their distributions to NEUs. Please refer to Section D for additional details.

**Table 2: Reporting requirements by recipient type**

Tier	Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
1	States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021 or 60 days after receiving funding if funding was received by October 15, with expenditures by category.	By January 31, 2022, and then the last day of the month after the end of each quarter thereafter	By August 31, 2021 or 60 days after receiving funding, and annually thereafter by July 31
2	Metropolitan cities and counties with a population below 250,000 residents that are allocated more than \$10 million in SLFRF funding, and NEUs that are allocated more than \$10 million in SLFRF funding	Note: NEUs were not required to submit an Interim Report	Note: NEUs were not required to submit a Project and Expenditure Report on January 31, 2022. The first reporting date for NEUs was April 30, 2022.	
3	Tribal Governments that are allocated more than \$30 million in SLFRF funding			
4	Tribal Governments that are allocated less than \$30 million in SLFRF funding	By April 30, 2022, and then annually thereafter		
5	Metropolitan cities and counties with a population below 250,000 residents that are allocated less than \$10 million in SLFRF funding, and NEUs that are allocated less than \$10 million in SLFRF funding			

Note: Based on the period of performance, reports will be collected through April 30, 2027. See the specific due dates listed in Sections B and C.

As mentioned above, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier, beginning in April of 2022. Treasury may reach out to jurisdictions to update Reporting Tiers.

The remainder of this document describes these reporting requirements. User guides describing how and where to submit required reports are posted at www.treasury.gov/SLFRPReporting and updated on a regular basis.



Comparison to reporting for the CRF

This guidance does not change the reporting or compliance requirements pertaining to the CRF. Reporting and compliance requirements for the SLFRF are separate from CRF reporting requirements. Differences between CRF and SLFRF include:

- **Project, Expenditure, and Subaward Reporting:** The SLFRF reporting requirements leverage the existing reporting regime used for CRF to foster continuity and provide many recipients with a familiar reporting mechanism. The data elements for the Project and Expenditure Report will largely mirror those used for CRF, with some minor exceptions noted in this guidance. The users' guide will describe how reporting for CRF funds will relate to reporting for the SLFRF.
- **Timing of Reports:** CRF reports were due within 10 days of each calendar quarter end. For quarterly reporters, SLFRF reporting will be due the last day of the month following the end of the period covered. For annual reporters, SLFRF reporting will be due on an annual schedule (see table in Section B below).
- **Program and Performance Reporting:** The CRF reporting did not include any program or performance reporting. To build public awareness and accountability and allow Treasury to monitor compliance with eligible uses, some program and performance reporting is required for SLFRF.

A. Interim Report

Note: The Interim Reports were submitted under the interim final rule.

States, U.S. territories, metropolitan cities, counties, and Tribal governments were required to submit a one-time interim report with expenditures⁶ by Expenditure Category covering the period from March 3rd to July 31, 2021, by August 31, 2021 or sixty (60) days after first receiving funding if the recipient's date of award was between July 15, 2021 and October 15, 2021. The recipient was required to enter obligations⁷ and expenditures and, for each, select the specific expenditure category from the available options. See Appendix 3 for Expenditure Categories applicable for the Interim Report.

1. Required Programmatic Data

Recipients were also required to provide the following information if they had or planned to have expenditures in the following Expenditure Categories.

- a. **Revenue replacement (EC 6.1⁸):** Key inputs into the revenue replacement formula in the Interim Final Rule and estimated revenue loss due to the Covid-19 public health emergency calculated using the formula in the Interim Final Rule as of December 31, 2020.
 - Base year general revenue (e.g., revenue in the last full fiscal year prior to the public health emergency)
 - Fiscal year end date
 - Growth adjustment used (either 4.1 percent or average annual general revenue growth over 3 years prior to pandemic)
 - Actual general revenue as of the twelve months ended December 31, 2020

⁶ For purposes of reporting in the SLFRF portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity).

⁷ For purposes of reporting in the SLFRF portal, an obligation is an order placed for property and services, contracts and subawards made, and similar transactions that require payment.

⁸ See Appendix 3 for the full Expenditure Category (EC) list. Please note that Appendix 3 includes the expenditure categories under the interim final rule, applicable to the Interim Report.



- Estimated revenue loss due to the Covid-19 public health emergency as of December 31, 2020
- An explanation of how revenue replacement funds were allocated to government services (Note: additional instructions was provided in the user guide)

In calculating general revenue and the other items discussed above, recipients should have used audited data if it was available. When audited data was not available, recipients were not required to obtain audited data if substantially accurate figures could be produced on an unaudited basis. Recipients should have used their own data sources to calculate general revenue and did not need to rely on revenue data published by the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ from those published by the Census Bureau. Recipients were permitted to provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required. Recipients' reporting should align with their own financial reporting.

In calculating general revenue, recipients should have excluded all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a State to a locality pursuant to the CRF or SLFRF. To the extent federal funds are passed through States or other entities or intermingled with other funds, recipients should have attempted to identify and exclude the federal portion of those funds from the calculation of general revenue on a best-efforts basis.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of reduction in revenue, recipients were required to submit a description of services provided. This description may be in narrative or in another form, and recipients were encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with \$100 in revenue replacement funds available could indicate that \$50 were used for law enforcement operating expenses and \$50 were used for pay-go building of sidewalk infrastructure. As discussed in the interim final rule, these services can include a broad range of services but may not be used directly for pension deposits or debt service.

Reporting requirements did not require tracking the indirect effects of Fiscal Recovery Funds, apart from the restrictions on use of Fiscal Recovery Funds to offset a reduction in net tax revenue. In addition, recipients were required to indicate that Fiscal Recovery Funds were not used to make a deposit in a pension fund.

B. Project and Expenditure Report

All recipients are required to submit Project and Expenditure Reports.

Note on NEUs: To facilitate reporting, each NEU will need an NEU Recipient Number. This is a unique identification code for each NEU assigned by the State or territory to the NEU as part of its request for funding.

1. Quarterly Reporting

The following recipients are required to submit quarterly Project and Expenditure Reports:

- States and U.S. territories
- Tribal governments that are allocated more than \$30 million in SLFRF funding
- Metropolitan cities and counties with a population that exceeds 250,000 residents



- Metropolitan cities and counties with a population below 250,000 residents that are allocated more than \$10 million in SLFRF funding and NEUs that are allocated more than \$10 million in SLFRF funding.

For these recipients, the initial quarterly Project and Expenditure Report covers three calendar quarters from March 3, 2021 to December 31, 2021 and was required to be submitted to Treasury by January 31, 2022. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury by the last day of the month following the end of the period covered. Quarterly reports are not due concurrently with applicable annual reports. **Table 3** summarizes the quarterly report timelines:

Table 3: Quarterly Project and Expenditure Report Timeline

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 – 4	March 3 – December 31	January 31, 2022
2	2022	1	January 1 – March 31	April 30, 2022
3	2022	2	April 1 – June 30	July 31, 2022
4	2022	3	July 1 – September 30	October 31, 2022
5	2022	4	October 1 – December 31	January 31, 2023
6	2023	1	January 1 – March 31	April 30, 2023
7	2023	2	April 1 – June 30	July 31, 2023
8	2023	3	July 1 – September 30	October 31, 2023
9	2023	4	October 1 – December 31	January 31, 2024
10	2024	1	January 1 – March 31	April 30, 2024
11	2024	2	April 1 – June 30	July 31, 2024
12	2024	3	July 1 – September 30	October 31, 2024
13	2024	4	October 1 – December 31	January 31, 2025
14	2025	1	January 1 – March 31	April 30, 2025
15	2025	2	April 1 – June 30	July 31, 2025
16	2025	3	July 1 – September 30	October 31, 2025
17	2025	4	October 1 – December 31	January 31, 2026
18	2026	1	January 1 – March 31	April 30, 2026
19	2026	2	April 1 – June 30	July 31, 2026
20	2026	3	July 1 – September 30	October 31, 2026
21	2026	4	October 1 – December 31	April 30, 2027

2. Annual Reporting

The following recipients are required to submit annual Project and Expenditure Reports:

- Tribal governments that are allocated less than \$30 million in SLFRF funding
- Metropolitan cities and counties with a population below 250,000 residents that are allocated less than \$10 million in SLFRF funding and NEUs that are allocated less than \$10 million in SLFRF funding.

For these recipients, the initial Project and Expenditure Report covered from March 3, 2021 to March 31, 2022 and was required to be submitted to Treasury by April 30, 2022. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by April 30. **Table 4** summarizes the annual report timelines:

**Table 4: Annual Project and Expenditure Report timeline**

Report	Period Covered	Due Date
1	March 3, 2021 – March 31, 2022	April 30, 2022
2	April 1, 2022 – March 31, 2023	April 30, 2023
3	April 1, 2023 – March 31, 2024	April 30, 2024
4	April 1, 2024 – March 31, 2025	April 30, 2025
5	April 1, 2025 – March 31, 2026	April 30, 2026
6	April 1, 2026 – December 31, 2026	April 30, 2027

3. Required Information

The following information is required in Project and Expenditure Reports for both quarterly and annual reporting:

- a. **Projects:** Provide information on all SLFRF funded projects. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, the recipient is required to enter the project name, identification number (created by the recipient), project expenditure category (see Appendix 1), description, and status of completion. Project descriptions must describe the project in sufficient detail to provide an understanding of the major activities that will occur, and must be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose. Recipients should review the Required Programmatic Data described in 3.g. below and define their projects at a sufficient level of granularity.

Note: For each project, the recipient is asked to select the appropriate Expenditure Category based on the scope of the project (see Appendix 1). Projects should be scoped to align to a single Expenditure Category. For select Expenditure Categories, the recipient also is asked to provide additional programmatic data (described further below).

- b. **Obligations and Expenditures:** Once a project is entered the recipient will be able to report on the project's obligations and expenditures. Recipients will be asked to report:
- Current period obligation
 - Cumulative obligation
 - Current period expenditure
 - Cumulative expenditure
- c. **Project Status:** Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:
- Not Started
 - Completed less than 50 percent
 - Completed 50 percent or more
 - Completed
- d. **Program Income:** Recipients should report the program income earned and expended to cover eligible project costs, if applicable.
- e. **Adopted Budget (States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents only):** Each state, territory and metropolitan city and county with a population that exceeds 250,000 residents will provide the budget adopted for each project by its jurisdiction associated with SLFRF funds. Treasury will use this information to better understand the intended impact, identify opportunities for outreach, and understand the recipient's progress in program implementation. Treasury is not approving or pre-approving projects or budgets.



- Recipients will enter the Adopted Budget based on information that exists currently in the recipient’s financial systems and the recipient’s established budget process. Treasury understands that recipients may use different budget processes. For example, a recipient may consider a project budgeted once a legislature has appropriated funds; whereas another recipient may consider a project budgeted at the moment when the funds have been obligated.
 - Additional information is provided on the differences between Adopted Budget, Obligations, and Expenditures as part of the user guide posted at www.treasury.gov/SLFRPReporting.
- f. Project Demographic Distribution (applicable to Public Health and Negative Economic Impact ECs: EC 1.1-2.37)– Collection began April 2022

Recognizing the disproportionate public health and negative economic impacts of the pandemic on many households, communities, and other entities, recipients must report whether certain types of projects are targeted to impacted and disproportionately impacted communities. Recipients will be asked to respond to the following:

- a. What Impacted and/or Disproportionately Impacted population does this project primarily serve? Please select the population primarily served.
- b. If this project primarily serves more than one Impacted and/or Disproportionately Impacted population, please select up to two additional populations served.

Recipients will select from the following options:

	Impacted	Disproportionately Impacted
Public Health	<ul style="list-style-type: none"> • General Public 	
Assistance to Households	<ul style="list-style-type: none"> • Low- or-moderate income households or populations⁹ • Households that experienced unemployment • Households that experienced increased food or housing insecurity • Households that qualify for certain federal programs¹⁰ • For services to address lost instructional time in K-12 schools: any students that lost access to in-person instruction for a significant period of time 	<ul style="list-style-type: none"> • Low-income households and populations¹¹ • Households and populations residing in Qualified Census Tracts • Households that qualify for certain federal programs¹² • Households receiving services provided by Tribal governments • Households residing in the U.S. territories or receiving services from these governments

⁹ Low or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 65 percent of the Area Median Income for the county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).

¹⁰ For Impacted households, these programs are Children’s Health Insurance Program (“CHIP”); Childcare Subsidies through the Child Care and Development Fund (“CCDF”) Program; Medicaid; National Housing Trust Fund (“HTF”), for affordable housing programs only; Home Investment Partnerships Program (“HOME”), for affordable housing programs only.

¹¹ Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by HHS or (ii) income at or below 40 percent of Area Median Income for its county and size of household based on the most recently published data by HUD.

¹² For Disproportionately Impacted households, these programs are Temporary Assistance for Needy Families (“TANF”), Supplemental Nutrition Assistance Program (“SNAP”), Free- and Reduced-Price Lunch (“NSLP”) and/or School Breakfast (“SBP”) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (“SSI”), Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”), Section 8 Vouchers, Low-Income Home Energy Assistance Program (“LIHEAP”), and Pell Grants.



	Impacted	Disproportionately Impacted
	<ul style="list-style-type: none"> Other households or populations that experienced a negative economic impact of the pandemic other than those listed above (please specify) 	<ul style="list-style-type: none"> For services to address educational disparities, Title I eligible schools¹³ Other households or populations that experienced a disproportionate negative economic impact of the pandemic other than those listed above (please specify)
Assistance to Small Businesses	<ul style="list-style-type: none"> Small businesses that experienced a negative economic impact of the pandemic Classes of small businesses designated as negatively economically impacted by the pandemic (please specify) 	<ul style="list-style-type: none"> Small businesses operating in Qualified Census Tracts Small businesses operated by Tribal governments or on Tribal lands Small businesses operating in the U.S. territories Other small businesses disproportionately impacted by the pandemic (please specify)
Assistance to Non-Profits	<ul style="list-style-type: none"> Non-profits that experienced a negative economic impact of the pandemic (please specify) Classes of non-profits designated as negatively economically impacted by the pandemic (please specify) 	<ul style="list-style-type: none"> Non-profits operating in Qualified Census Tracts Non-profits operated by Tribal governments or on Tribal lands Non-profits operating in the U.S. territories Other non-profits disproportionately impacted by the pandemic (please specify)
Aid to Impacted Industries	<ul style="list-style-type: none"> Travel, tourism, or hospitality sectors (including Tribal development districts) Industry outside the travel, tourism, or hospitality sectors that experienced a negative economic impact of the pandemic (please specify) 	N/A

g. Subawards, Contracts, Grants, Loans, Transfers, and Direct Payments: Each recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the recipient that are equal to or greater than \$50,000. As noted in Treasury's Project & Expenditure User Guides, subaward reporting for funds spent under the revenue loss eligible use category has not been required in past reporting periods. Please note that as outlined in Final Rule FAQ 13.14, Treasury is not collecting subaward data for projects categorized under the revenue loss eligible use category.

Recipients do not need to submit separate monthly subaward reports to FSRS.gov as required pursuant to the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, which is included in the SLFRF Award Terms and Conditions. Treasury

¹³ For educational services and other efforts to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school service as eligible. "Title I eligible schools" means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.



will submit this reporting on behalf of recipients using the \$50,000 reporting threshold, timing, and data elements discussed in this guidance. If recipients choose to continue reporting to FSRS.gov in addition to reporting directly to Treasury on these funds, they may do so and will be asked to notify Treasury as part of their quarterly submission.

In general, recipients will be asked to provide the following information for each Contract, Grant, Loan, Transfer, or Direct Payment equal to or greater than \$50,000:

- Subrecipient identifying and demographic information (e.g., UEI/TIN number and location)
- Award number (e.g., Award number, Contract number, Loan number)
- Award date, type, amount, and description
- Award payment method (reimbursable or lump sum payment(s))
- For loans, expiration date (date when loan expected to be paid in full)
- Primary place of performance
- Related project name(s)
- Related project identification number(s) (created by the recipient)
- Period of performance start date
- Period of performance end date
- Quarterly obligation amount
- Quarterly expenditure amount
- Project(s)
- Additional programmatic performance indicators for select Expenditure Categories (see below)

Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, and direct payments that are below \$50,000. This information will be accounted for by Expenditure Category at the project level. Note that all obligations and expenditures made directly to individuals, regardless of dollar amount, should be included in aggregate reporting.

As required by the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, recipients must also report the names and total compensation of their five most highly compensated executives and their subrecipients' executives for the preceding completed fiscal year if (1) the recipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as provided by 2 CFR 170.320 (and subawards), and received \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards), and (2) if the information is not otherwise public. In general, most SLFRF recipients are governmental entities with executive salaries that are already disclosed, so no additional information would be required to be reported for them. The recipient is responsible for the subrecipients' compliance with registering and maintaining an updated profile on SAM.gov.

- h. **Civil Rights Compliance:** Treasury will request information on recipients' compliance with Title VI of the Civil Rights Act of 1964, as applicable, on an annual basis. This information may include a narrative describing the recipient's compliance with Title VI, along with other questions and assurances. This collection does not apply to Tribal governments¹⁴
- i. **Ineligible Activities: Tax Offset Provision (States and territories only):** Section 602(c)(2)(A) of the Social Security Act prohibits a State or territory from using SLFRF funds to directly or indirectly offset a reduction in the net tax revenue of the State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period (the "Tax Offset Provision"). The Final Rule implements the Tax Offset Provision at 31 CFR § 35.8. Violations of the Tax

¹⁴ Please note, as explained in Treasury [FAQ 12.1](#), that the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.



Offset Provision may be subject to recoupment. The following information is required for Treasury to ensure SLFRF funding is not used for ineligible activities related to the Tax Offset Provision.

For each reporting year, in the quarterly reporting cycle occurring 90 days after the end of the recipient's fiscal year, States and territories will report certain items related to the Tax Offset Provision, as detailed below. For example, if a recipient's fiscal year ends June 30, 2022, reporting on the Tax Offset Provision for fiscal year 2022 will be due in October 2022. All States and territories reported on the Tax Offset Provision for fiscal year 2021 in July 2022.

As indicated in the final rule, Treasury is implementing a tiered approach to reporting on the Tax Offset Provision, which is described below. Although Treasury is implementing a tiered approach to reporting, recipients should maintain records to support their compliance with the Tax Offset Provision.

The terms "reporting year," "baseline," "covered change," "covered period," "net reduction in total spending," and "tax revenue" are defined in the Final Rule, 31 CFR § 35.3. For purposes of calculating a net reduction in total spending, total spending for the fiscal year ending 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule. Similarly, for purposes of calculating baseline tax revenue, tax revenue for the fiscal year 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule.

For purposes of reporting actual tax revenue for the requested fiscal year and baseline tax revenue for the fiscal year ending 2019,¹⁵ (a) if available, recipients should report information using audited financials and (b) recipients may provide data on a cash, accrual, or modified accrual basis, but must be consistent in their approach across all reporting periods. Similarly, for purposes of calculating a net reduction in total spending, recipients should report data using audited financials where available.

Recipients will first answer a series of summary questions to determine the tiering of their tax offset reporting:

Summary Questions

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
 - If no, recipients have no further reporting requirements in the tax offset section. (Remaining summary questions will be greyed out).
 - If yes, recipients will complete part 1 and additional fields.
- Is the aggregate value of your revenue-reducing covered change(s) for the requested fiscal year less than the de minimis? Yes/No.
 - If yes, recipients will complete parts 1 and 2, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
 - If no, recipients will complete parts 1, 2 and additional fields.
- Do you have a reduction in net tax revenue for the requested fiscal year, meaning that actual tax revenue for the requested fiscal year is less than baseline tax revenue? Yes/No.
 - If yes, recipients will complete parts 1, 2, and 3 and additional fields.
 - If no, recipients will complete parts 1, 2, and 3, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No
 - If yes, recipients will complete parts 1, 2, 3, and 4.
 - If no, recipients will complete the revenue reduction cap.

Reporting Part 1: Revenue-reducing Covered Changes

¹⁵ Tax revenue for fiscal year ending 2019 is relevant for calculating the recipient's baseline.



- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
 - If yes, complete grid or upload spreadsheet with the name of each revenue-reducing covered change and the value of the revenue-reducing covered change for the requested fiscal year and for future fiscal years.
 - If no, a recipient has no revenue-reducing covered changes to report, no additional reporting is required.
- Enter in the aggregate value of all revenue-reducing covered change(s) for the requested fiscal year.¹⁶

Revenue-reducing Covered Changes: Guidance

For each reporting year, a recipient must report the value of covered changes that the recipient predicts will have the effect of reducing tax revenue in a given reporting year (revenue-reducing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-reducing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-reducing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reported values should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Recipients must maintain records regarding the identification and predicted effects of revenue-reducing covered changes.

Reporting Part 2: Baseline Revenue and De Minimis Threshold

- Enter Baseline Revenue:
- Enter in the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year as a percentage of baseline revenue:
- Is the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year less than one percent of baseline revenue? Y/N
 - If yes, a recipient's aggregate value of the revenue-reducing covered changes in the reporting year is less than the *de minimis threshold*, and no additional reporting is required.

Baseline Revenue: Guidance

Baseline has the meaning defined in the Final Rule, 31 CFR 35.3.

Recipients must determine whether the aggregate value of the revenue-reducing covered changes in the reporting year is less than one percent of baseline revenue (the *de minimis* threshold).

Reporting Part 3: Actual Tax Revenue and Reduction in Net Tax Revenue

- Enter Actual Tax Revenue for the requested fiscal year:
- Enter Reduction in Net Tax Revenue: baseline revenue minus actual tax revenue

¹⁶ The final rule defines covered change. "Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period."



- If the value of the reduction in net tax revenue is zero or negative (meaning that actual tax revenue is equal to or greater than baseline revenue), no additional reporting is required.

Actual Tax Revenue: Guidance

Actual tax revenue means the tax revenue received by the recipient government in the reporting year. Tax revenue has the meaning defined in the Final Rule, 31 CFR 35.3.

Reduction in Net Tax Revenue: Guidance

The reduction in net tax revenue is equal to baseline revenue minus actual tax revenue in each reporting year. If this value is zero or negative, there is no reduction in net tax revenue.

Reporting Part 4: Revenue-increasing Covered Changes and Covered Spending Cuts

- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No.
- If yes, complete grid or upload spreadsheet with the name of each revenue-increasing covered change and the value.
- Enter in the aggregate value of revenue-increasing covered change(s):
- Enter net reduction in total spending for the requested fiscal year:
- Complete grid or upload spreadsheet of specific spending cuts and the corresponding "reporting unit", including the name of the reporting unit, description of the spending cut, the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and the amount by which the reduction in spending in the reporting unit in the reporting year exceeds the Fiscal Recovery Funds spent in the reporting unit in the reporting year, if at all.
- Enter the aggregate value of covered spending cuts.
- Enter the aggregate value of revenue-increasing covered changes + the aggregate value of covered spending cuts.
- Enter the total value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing covered changes + aggregate value of covered spending cuts).
- Is the aggregate value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) negative or equal to zero? (Yes/No)
 - If yes, recipients have no further reporting requirements related to the Tax Offset Provision.
 - If no, recipients must move on to the calculation of the revenue reduction cap.

Revenue-increasing covered changes: Guidance

If a recipient has revenue-reducing covered changes, the aggregate value of which exceed the de minimis threshold, and its actual tax revenue does not exceed baseline tax revenue, a recipient must report the value of covered changes that have had or that the recipient predicts will have the effect of increasing tax revenue in a given reporting year (revenue-increasing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-increasing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-increasing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the revenue-increasing covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth.



In general and where possible, reporting should be produced by the agency of the recipient responsible for estimating the costs and effects of fiscal policy changes. Recipients should maintain records regarding revenue-increasing covered changes and estimates of such changes.

Net reduction in total spending, and tables of specific spending cuts: Guidance
Recipients may cut spending in certain areas to pay for revenue-reducing covered changes, up to the amount of the recipient's net reduction in total spending. To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). As defined in the Final Rule, 35 CFR 35.3, net reduction in total spending is measured as the recipient government's total spending for a given reporting year excluding Fiscal Recovery Funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year. If that calculation yields a positive value, there has been a net reduction in total spending; if it yields zero or a negative value, there has not been a net reduction in total spending. If there has been no net reduction in total spending, a recipient will have no spending cuts to offset a reduction in net tax revenue.

Next, a recipient must determine and aggregate the value of spending cuts in each "reporting unit." "Reporting units" are departments, agencies, or authorities of the recipient's government. For each reporting unit, the recipient must report (1) the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, (2) the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and (3) the amount by which the reduction in spending in the reporting year exceeds the Fiscal Recovery funds spent in the reporting unit in the reporting year. If a recipient has not spent amounts received from the Fiscal Recovery Funds in a reporting unit, the full amount of the reduction in spending counts as a covered spending cut and may be included in the aggregate value of spending cuts. If the recipient has spent amounts received from the Fiscal Recovery Funds, such amounts generally would be deemed to have replaced the amount of spending cut, and only reductions in spending above the amount of Fiscal Recovery Funds spent on the reporting unit would be eligible to offset a reduction in net tax revenue. Only such amounts above the amount of Fiscal Recovery Funds spent on the reporting unit should be included in the aggregate value of spending cuts.

To align with existing reporting and accounting, the Final Rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent amounts received from the Fiscal Recovery Funds on that same department, agency, or authority. Some commenters on the interim final rule argued that the methodology for identifying offsetting spending cuts at the department, agency, or authority level was too restrictive, but as discussed in the final rule, Treasury maintained the approach of requiring this reporting at the department, agency, or authority level. Recipients are encouraged to define reporting units in a manner consistent with their existing budget process and should, to the extent possible, report using the same reporting unit in each reporting year. Spending cuts must be reported relative to FY 2019 spending levels, adjusted for inflation, and excluding Fiscal Recovery Funds from reporting year spending levels.

Recipients should maintain records regarding spending cuts.

Reporting Part 5: Revenue Reduction Cap

The "revenue reduction cap," together with Part 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue-reducing covered changes. If, based on the calculations completed so far, a recipient has not yet demonstrated how its revenue-reducing



covered changes were offset by non-SLFRF sources, the reporting portal will auto-calculate the revenue reduction cap, which will be the lesser of the following two amounts:

- Reduction in Net Tax Revenue (baseline tax revenue minus actual tax revenue) [pre-populated from Part 3] and
- Aggregate Value of revenue-reducing covered changes minus (total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) [pre-populated from Part 4].

j. **Required Programmatic Data (other than infrastructure projects):** For all projects listed under the following Expenditure Categories (see Appendix 1), the information listed must be provided in each report.

1. **Public Health and Negative Economic Impact (EC 1.1-3.5) - Collection began in April 2022**

- Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced
- Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.¹⁷

Note: The final rule presumes that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Many of the Eligibility Categories encompass multiple specific enumerated eligible uses and may be provided to a variety of populations. For example, EC 2.13 *Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* includes a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care, and may be provided to foster youth and/or families involved in the child welfare system. Between these two fields above, recipients should provide enough information to identify the type of enumerated eligible use being provided within the EC (e.g., kinship care support services), the public health or economic impact experienced, who the program and/or service is being provided to, and what services are being provided (e.g., respite resources). For enumerated eligible uses, recipients are not required to provide substantive documentation that the response is related and reasonably proportional in the Project and Expenditure Report.

2. **Capital Expenditures (EC 1.1-3.5) - Collection began in January 2022, with additional fields required starting in July 2022**

- Does this project include a capital expenditure? (*Collection began in January 2022*)
- Total expected capital expenditure, including pre-development costs, if applicable (*Collection began in January 2022*)
- Type of capital expenditure, based on the following enumerated uses (*Collection began in July 2022*):
 - COVID-19 testing sites and laboratories, and acquisition of related equipment
 - COVID-19 vaccination sites
 - Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., emergency rooms, intensive care units, telemedicine capabilities for COVID-19 related treatment)
 - Temporary medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs
 - Acquisition of equipment for COVID-19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment

¹⁷ Please note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in the final rule.



- Emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems)
 - Installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities
 - Public health data systems, including technology infrastructure
 - Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID-19 in the facility)
 - Mitigation measures in small businesses, nonprofits, and impacted industries (e.g., developing outdoor spaces)
 - Behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers)
 - Technology and equipment to allow law enforcement to efficiently and effectively respond to the rise in gun violence resulting from the pandemic
 - Affordable housing, supportive housing, or recovery housing development
 - Food banks and other facilities primarily dedicated to addressing food insecurity
 - Transitional shelters (e.g., temporary residences for people experiencing homelessness)
 - Devices and equipment that assist households in accessing the internet (e.g., tablets, computers, or routers)
 - Childcare, daycare, and early learning facilities
 - Job and workforce training centers
 - Improvements to existing facilities to remediate lead contaminants (e.g., removal of lead paint)
 - Medical equipment and facilities designed to address disparities in public health outcomes (includes primary care clinics, hospitals, or integrations of health services into other settings)
 - Parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, streetlights, neighborhood cleanup, and other projects to revitalize public spaces
 - Rehabilitations, renovation, remediation, cleanup, or conversions of vacant or abandoned properties
 - Schools and other educational facilities or equipment to address educational disparities
 - Technology and tools to effectively develop, execute, and evaluate government programs
 - Technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs
 - Other (please specify)
- For recipients (other than Tribal governments) investing in projects with total expected capital expenditures for an enumerated eligible use of \$10 million or more, as well as projects with total expected capital expenditures for an “other” use of \$1 million or more, provide a written justification (*Collection began in July 2022*)
 - For projects with total expected capital expenditures of over \$10 million, provide labor reporting as outlined for infrastructure projects on pages 26 and 27 (*Collection began July 2022*)



3. Household Assistance (EC 2.1-2.8) – *Collection began January 2022:*
 - Number of households served (by program if recipient establishes multiple separate household assistance programs)
4. Small Business Economic Assistance (EC 1.8, 2.29-2.33) – *Collection began April 2022*
 - Number of small businesses served (by program if recipient establishes multiple separate small business assistance programs)
5. Assistance to Non-Profits (EC 1.9, 2.34)- *Collection began April 2022*
 - Number of Non-Profits served (by program if recipient establishes multiple separate non-profit assistance programs)
6. Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 1.10, 2.35-2.36) – *Collection began April 2022:*
 - If aid is provided to industries other than travel, tourism, and hospitality (EC 2.36), describe if the industry experienced at least 8 percent employment loss from pre-pandemic levels, or the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, and rationale for providing aid to the industry
 - For each subaward:
 - Sector of employer (Note: additional detail, including list of sectors, to be provided in the user guide posted to www.treasury.gov/SLFRP)
 - Purpose of funds (e.g., payroll support, safety measure implementation)
7. Education Assistance (EC 2.14, 2.24-2.27) – *Collection began in January 2022:*
 - The National Center for Education Statistics (“NCES”) School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance.¹⁸
8. Payroll for Public Health and Safety Employees (EC 3.1) – *Collection began in January 2022:*
 - Number of government FTEs responding to COVID-19 supported under this authority
9. Rehiring Public Sector Staff (EC 3.2) – *Collection began in January 2022:*
 - Number of FTEs rehired by governments under this authority
10. Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2) – *Collection began in January 2022; additional field began in April 2022*
 - List of sectors designated as critical to protecting the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the final rule (*Collection began January 2022*)
 - Number of workers to be served (*Collection began January 2022*)
 - Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (*Collection began January 2022*)
 - For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is

¹⁸ For more information on NCES identification numbers see <https://nces.ed.gov/ccd/districtsearch/> (districts) and <https://nces.ed.gov/ccd/schoolsearch/> (schools).



higher, on an annual basis; OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions:

- A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy (*Collection began January 2022*)
- Number of workers to be served with premium pay in K-12 schools (*Collection began April 2022*)

11. Revenue replacement (EC 6.1) – Collection began in August 2021:

As outlined in the final rule, recipients have the option to make a one-time decision to calculate revenue loss according to the formula outlined in the final rule or elect a “Standard Allowance” of up to \$10 million, not to exceed the award allocation, to spend on government services throughout the period of performance. The option to make this one-time decision was provided during the April 30, 2022 reporting deadline.

For recipients electing the “Standard Allowance,” Treasury will presume that up to \$10 million, not to exceed the award allocation, in revenue has been lost due to the public health emergency. Recipients are permitted to use that amount to fund “government services.” Please note that electing the standard allowance does not change a recipient’s total allocation. Recipients that elect to use this standard allowance will make this election instead of calculating lost revenue using the formula.

For recipients calculating revenue loss according to the formula, the final rule permits recipients to choose whether to use calendar or fiscal year calculation dates. Recipients must use the same calculation time frame (calendar or fiscal year) throughout the award period.

Recipients calculating lost revenue using the formula should report the following:

- Choice of fiscal or calendar year revenue loss (choice must remain consistent throughout award period)
- General revenue collected over the past 12 months as of the most recent calculation date, as outlined in the final rule.
- Calculated revenue loss due to the Covid-19 public health emergency; and
- An explanation of how the revenue replacement funds were allocated to government services (note: additional instructions and/or template provided in the user guide posted at www.treasury.gov/SLFRPReporting).

For information on treatment of future tax changes, please see the [Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule](#).

- k. Required Programmatic Data for Infrastructure Projects (EC 5): For all projects listed under the Water, Sewer, and Broadband Expenditure Categories (see Appendix 1), more detailed project-level information is required. Each project will be required to report expenditure data as described above, but will also report the following information:

1. All infrastructure projects (EC 5) – Collection began in January 2022:



- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location
- For projects over \$10 million (based on expected total cost):
 - a. A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as “baby Davis-Bacon Acts”). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
 - The number of employees of contractors and sub-contractors working on the project;
 - The number of employees on the project hired directly and hired through a third party;
 - The wages and benefits of workers on the project by classification; and
 - Whether those wages are at rates less than those prevailing.¹⁹Recipients must maintain sufficient records to substantiate this information upon request.
 - b. A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:
 - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
 - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
 - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
 - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
 - Whether the project has completed a project labor agreement.
 - c. Whether the project prioritizes local hires.
 - d. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

2. Water and sewer projects (EC 5.1-5.18) Required once the project starts:

- National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) (*Collection began in January 2022*)

¹⁹ As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.



- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund) (*Collection began January 2022*)
- Median Household Income of service area (*Collection began in April 2022*)
- Lowest Quintile Income of the service area (*Collection began in April 2022*)

3. Broadband projects (EC 5.19-5.21) *Collection includes new fields that began in July 2022. Additional fields will be phased in through future reporting periods, as noted below.*

Overall Project Information

- Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
 - If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
 - Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)'s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure (*applicable only to projects that provide service to households*).

Detailed Project Information

- Project technology type(s) (Planned/Actual)
 - Fiber
 - Coaxial Cable
 - Terrestrial Fixed Wireless
 - Other (specify)
- Total miles of fiber deployed (Planned/Actual)
- Total number of funded locations served (Planned/Actual)
 - Total number of funded locations served, broken out by speeds:
 - Pre-SLFRF Investment:
 - Number receiving 25/3 Mbps or below
 - Number receiving between 25/3 Mbps and 100/20 Mbps
 - Post-SLFRF Investment (Planned/Actual):
 - Number receiving minimum 100/100 Mbps
 - Number receiving minimum 100/20 Mbps and scalable to minimum 100/100 Mbps
 - Total number of funded locations served, broken out by type (Planned/Actual):
 - Residential
 - Total Housing Units
 - Business
 - Community anchor institution
- Speed tiers offered, corresponding non-promotional prices, including associated fees, and data allowance for each speed tier of broadband service (*collection to be phased in a future reporting period*)

Location-by-Location Project Information

For each location served by a Project, the recipient must collect from the subrecipient or contractor and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (*collection of certain fields will begin in October 2022, as specified below*):



- Latitude/longitude at the structure where service will be installed (*required starting October 2022*)
- Technology used to offer service at the location (*required starting October 2022*)
- Location type (*required starting October 2022*)
 - Residential
 - If Residential, Number of Housing Units
 - Business
 - Community anchor institution
- Speed tier at the location pre-SLFRF investment (*collection to be phased in*)
 - 25/3 Mbps or below
 - Between 25/3 Mbps and 100/20 Mbps
- Speed and latency at the location post-SLFRF investment (*collection to be phased in*)
 - Maximum download speed offered
 - Maximum download speed delivered
 - Maximum upload speed offered
 - Maximum upload speed delivered
 - Latency

I. Additional Required Programmatic Data for States, U.S. territories, and metropolitan cities and counties with a population that exceeds 250,000 residents only: As noted in the Recovery Plan section of this guidance, states, U.S. territories, and metropolitan cities and counties with a population over 250,000 are required to provide additional data in the Project and Expenditure report for projects in the following expenditure categories:

1. Use of Evidence (for relevant ECs noted in Appendix 1)—*Collection began April 2022*
 - The dollar amount of the total project spending that is allocated towards evidence-based interventions
 - Whether a program evaluation of the project is being conducted
2. Household Assistance (EC 2.2, Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
 - Number of households receiving eviction prevention services (including legal representation)
 - Number of affordable housing units preserved or developed
3. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
 - Number of workers enrolled in sectoral job training programs
 - Number of workers completing sectoral job training programs
 - Number of people participating in summer youth employment programs
4. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
 - Number of students participating in evidence-based tutoring programs²⁰
5. Healthy Childhood Environments (EC 2.11-2.14):
 - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
 - Number of families served by home visiting

²⁰ For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20).



- m. **NEU Documentation (NEUs only):** Each NEU is also required to provide the following information once its accounts are established in Treasury's Reporting Portal and prior to the due date for their first Project and Expenditure Report (due April 30, 2022):
 - Copy of the signed award terms and conditions agreement (which was signed and submitted to the State as part of the request for funding)
 - Copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964 (which was signed and submitted to the State as part of the request for funding)
 - Copy of actual budget documents validating the top-line budget total provided to the State as part of the request for funding

NEU accounts are established in Treasury's Portal based on information provided by the States or territories, as further described in Section Part 2 D below.

C. Recovery Plan Performance Report

States, territories, and metropolitan cities and counties with a population that exceeds 250,000 residents (i.e., Tier 1 recipients) will also be required to publish and submit to Treasury a Recovery Plan performance report ("Recovery Plan"). Each Recovery Plan must be posted on an easily discoverable webpage on the public-facing website of the recipient by the same date the recipient submits the report to Treasury. Treasury recommends that Recovery Plans be accessible within three clicks or fewer from the homepage of the recipient's website. Within Treasury's reporting portal, recipients must upload a link to the publicly available Recovery Plan and provide required data.

The Recovery Plan provides the public and Treasury both retrospective and prospective information on the projects recipients are undertaking or planning to undertake with program funding and how they are planning to ensure program outcomes are achieved in an effective, efficient, and equitable manner. While this guidance outlines some minimum requirements for the Recovery Plan, each recipient is encouraged to add information to the plan that they feel is appropriate to provide information to their constituents on efforts they are taking to respond to the pandemic and promote economic recovery. Each jurisdiction may determine the general form and content of the Recovery Plan, as long as it includes the minimum information required by Treasury. Treasury provided a template (located at www.treasury.gov/SLFRP) but recipients may modify this template as appropriate for their jurisdiction, provided the modified template meets Treasury's requirements, outlined below. Through the Recovery Plan, recipients may link to public documents, including, but not limited to, legislation, dashboards, survey results, community engagement reports, and equity frameworks to support the Recovery Plan narrative. The Recovery Plan should include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as noted below.

The initial Recovery Plan covered the period from the date of award to July 31, 2021 and was required to be submitted to Treasury by August 31, 2021, or 60 days after receiving funding. Thereafter, the Recovery Plan will cover a 12-month period and recipients are required to submit the report to Treasury after the end of the 12-month period by July 31. The Recovery Plan should include both retrospective information covering the time period of the Recovery Plan along with prospective information on future work to be undertaken with SLFRF funds or on the planning that has been undertaken during the covered period. **Table 5** summarizes the report timelines:

Table 5 Recovery Plan Timeline

Annual Report	Period Covered	Due Date
1	Award Date – July 31, 2021	August 31, 2021 or 60 days after receiving funding
2	July 1, 2021 – June 30, 2022	July 31, 2022



Annual Report	Period Covered	Due Date
3	July 1, 2022 – June 30, 2023	July 31, 2023
4	July 1, 2023 – June 30, 2024	July 31, 2024
5	July 1, 2024 – June 30, 2025	July 31, 2025
6	July 1, 2025 – June 30, 2026	July 31, 2026
7	July 1, 2026 – December 31, 2026	April 30, 2027

Recovery Plans submitted as part of reporting are used by Treasury, third party organizations, the public, and other stakeholders to obtain a comprehensive understanding of SLFRF's largest recipients' planned and actual usage of SLFRF funding, including the jurisdiction's policy goals, its strategy for achieving them, and specific projects or initiatives underway. Alignment of data reported in Project and Expenditure reports and Recovery Plans is expected by both Treasury and SLFRF's many stakeholders. Finally, Recovery Plans will be posted publicly by Treasury to provide transparency about how program funds are being used by recipient governments.

The Recovery Plan must include, at a minimum, the following information:

1. Executive Summary

In this section, recipients should provide a high-level overview of the jurisdiction's intended and actual uses of funding including, but not limited to: the jurisdiction's strategy, goals, and plan for using Fiscal Recovery Funds to respond to the pandemic and promote economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

2. Uses of Funds

In this section, recipients should describe in further detail the strategy and goals of their jurisdiction's SLFRF program, such as how their jurisdiction's approach would help support a strong and equitable recovery from the COVID-19 pandemic and economic downturn. Recipients should describe how their intended and actual uses of funds will achieve their goals. Given the broad eligible uses of funds established by the final rule and the specific needs of different jurisdictions, recipients should also explain how the funds would support the communities, populations, or individuals in their jurisdiction. Recipients should describe how their use of funds supports their overall strategy and goals in the following areas:

- a. Public Health (EC 1): As relevant, describe how funds are being used to respond to COVID-19, the broader health impacts of COVID-19, and the COVID-19 public health emergency, including community violence interventions and behavioral health.
- b. Negative Economic Impacts (EC 2): As relevant, describe how funds are being used to respond to negative economic impacts of the COVID-19 public health emergency, including services to households (such as affordable housing, job training, and childcare), small businesses, non-profits, and impacted industries.
- c. Public Health-Negative Economic Impact: Public Sector Capacity (EC 3): As relevant, describe how funds are being used to support public sector workforce and capacity, including public sector payroll, rehiring of public sector workers, and building of public sector capacity.
- d. Premium Pay (EC 4): As relevant, describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how the approach prioritizes low-income workers and/or any particular group of eligible workers.
- e. Water, sewer, and broadband infrastructure (EC 5): As relevant, describe the approach, goals, and types of projects being pursued. Where relevant, recipients should note how projects contribute to addressing climate change and/or how projects benefit disadvantaged communities in line with the Justice40 Initiative.²¹

²¹ See [Executive Order 14008](#), On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, [OMB M-21-28](#).



- f. **Revenue Replacement (EC 6):** Describe the loss in revenue, including if electing the standard allowance, due to the COVID-19 public health emergency, and how funds have been used to provide government services, including any funds used under revenue loss for non-federal cost-share or matching requirements of other federal programs.

If appropriate, recipients may also include information on their jurisdiction's use (or planned use) of other federal recovery funds, including other programs under the American Rescue Plan such as Emergency Rental Assistance, the Homeowner Assistance Fund, the Capital Projects Fund, the State Small Business Credit Initiative, and so forth, to provide broader context on the overall approach for pandemic recovery. Jurisdictions may also address use of SLFRF funds in coordination with, or in preparation for, funding available through the Infrastructure Investment and Jobs Act.

3. Promoting equitable outcomes

Treasury encourages uses of funds that advance strong, equitable growth, including economic and racial equity. For the purposes of the SLFRF, equity is described in the Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as issued on January 20, 2021.

In this section, recipients should describe, as applicable, their efforts to promote equitable outcomes, including economic and racial equity, and their efforts to design, implement, and measure their SLFRF program and projects with equity in mind.

In describing their efforts to **design** their SLFRF program and projects with equity in mind, recipients may consider the following:

- a. **Goals:** Are there particular historically underserved, marginalized, or adversely affected groups that recipients intend to serve within their jurisdiction?
- b. **Awareness:** How equitable and practical is the ability for residents or businesses to become aware of the services funded by SLFRF?
- c. **Access and Distribution:** Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?
- d. **Outcomes:** How are intended outcomes focused on closing gaps and/or reaching universal levels of service? How is the considering disaggregating outcomes by race, ethnicity, and other equity dimensions where relevant for the policy objective?

In describing their efforts to **implement** their SLFRF program and projects with equity in mind, recipients may consider the following:

- a. **Goals and Targets:** Please describe how planned or current uses of funds prioritize economic and racial equity as a goal, name specific targets intended to produce meaningful equity results at scale, and include initiatives to achieve those targets.
- b. **Project Implementation:** In addition, please explain how the jurisdiction's overall equity strategy translates into focus areas for SLFRF projects and the specific services or programs offered by the jurisdiction in the following Expenditure Category, as indicated in the final rule.

Negative Economic Impacts (EC 2): assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with food, housing, and other needs; employment programs for people with barriers to employment who faced negative economic impacts from the pandemic (such as residents of low-income neighborhoods, minorities, disconnected youth, the unemployed, formerly incarcerated people, veterans, and people with disabilities); services to provide long-term housing security and housing supports, address educational disparities, or provide child care and early learning services; and other strategies that provide



impacted and disproportionately impacted communities with services to address the negative economic impacts of the pandemic

The first annual Recovery Plan, due in 2021, was required to describe initial efforts and intended outcomes to promote equity, as applicable. Beginning in 2022, each annual Recovery Plan must provide an update, using qualitative and quantitative data, on how the recipients' approach achieved or promoted equitable outcomes or progressed against equity goals during the performance period, as applicable. Each jurisdiction should describe any constraints or challenges that impacted project success in terms of increasing equity. In particular, this section should describe the geographic and demographic distribution of funding, including whether it is targeted toward traditionally marginalized communities (recipients may reference the demographic data information in their Project and Expenditure Reports as relevant).

4. Community Engagement

In this section, recipients should describe how their jurisdiction's planned or current use of funds incorporates community engagement strategies including written feedback through surveys, project proposals, and related documents; oral feedback through community meetings, issue-specific listening sessions, stakeholder interviews, focus groups, and additional public engagement; as well as other forms of input, such as steering committees, taskforces, and digital campaigns that capture diverse feedback from the community. Recipients may describe completed or planned community engagement strategies specifically focused on their SLFRF program and projects or community engagement strategies that included SLFRF among other government programs. Recipients should also describe how community engagement strategies support their equity goals, including engagement with communities that have historically faced significant barriers to services, such as people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

5. Labor Practices

In this section, recipients should describe workforce practices on any infrastructure projects or capital expenditures being pursued. How are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

6. Use of Evidence

In this section of the Recovery Plan, recipients should describe whether and how evidence-based interventions and/or program evaluation are incorporated into their SLFRF program. Recipients may include links to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation for Fiscal Recovery Funds. Recipients are encouraged to consider how a learning agenda, either narrowly focused on SLFRF or broadly focused on the recipient's broader policy agenda, could support their overarching evaluation efforts in order to create an evidence-building strategy for their jurisdiction.²²

In the Project Inventory section of the Recovery Plan (see Section 8 below), recipients should identify whether SLFRF funds are being used for evidence-based interventions²³ and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. In the Project Inventory, recipients must briefly describe the goals of the project and the evidence base for the interventions funded by the project. As part of the Project Inventory section, recipients must also specifically identify the dollar amount of the total project spending that is allocated towards evidence-based interventions for each project in the Expenditure Categories noted with an asterisk in Appendix 1. Please note that to increase consistency, the Project and Expenditure report now also includes

²² For more information on learning agendas, please see [OMB M-19-23](#)

²³ As noted in Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.



fields for recipients to identify the dollar amount of the total project spending that is allocated to evidence-based interventions and to indicate if a program evaluation of the project is being conducted.

Recipients are encouraged to reference relevant evidence clearinghouses, among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction; such evidence clearinghouses include the U.S. Department of Education's What Works Clearinghouse, the U.S. Department of Labor's CLEAR, and the Childcare & Early Education Research Connections and the Home Visiting Evidence of Effectiveness clearinghouses from Administration for Children and Families, as well as other clearinghouses relevant to particular projects conducted by the recipient.

Recipients are exempt from reporting on evidence-based interventions in cases where a program evaluation is being conducted. In such cases where a recipient is conducting a program evaluation, recipients must describe the evaluation design, including whether it is a randomized or quasi-experimental design; the key research questions being evaluated; whether the study has sufficient statistical power to disaggregate outcomes by demographics; and the timeframe for the completion of the evaluation (including a link to the completed evaluation if relevant).²⁴ Once the evaluation has been completed, recipients must post the evaluation publicly and link to the completed evaluation in the Recovery Plan. Once an evaluation has been completed (or has sufficient interim findings to determine the efficacy of the intervention), recipients should determine whether the spending for the evaluated interventions should be counted towards the dollar amount categorized as evidence-based for the relevant project.

For all projects, recipients may be selected to participate in a national evaluation, which might, for example, study their project along with similar projects in other jurisdictions that are focused on the same set of outcomes. In such cases, recipients may be asked to share information and data that is needed for the national evaluation.

Appendix 2 contains additional information on evidence-based interventions for the purposes of the Recovery Plan.

7. Performance Report

In this section, recipients should describe how performance management is incorporated into their SLFRF program, including how they are tracking their overarching jurisdictional goals for these funds as well as measuring results for individual projects. The recipient has flexibility in terms of how this information is presented in the Recovery Plan, and may report key performance indicators for each project, or may group projects with substantially similar goals and the same outcome measures. In some cases, the recipient may choose to include some indicators for each individual project as well as crosscutting indicators. Recipients may include links to performance management dashboards, performance management policies, and other public facing tools that are used to track and communicate the performance of Fiscal Recovery Funds. In addition to outlining in this section their high-level approach to performance management, recipients must also include key performance indicators for each SLFRF project in the Project Inventory section (described below in #8).

Performance indicators should include both output and outcome measures. Output measures, such as the number of students enrolled in an early learning program, provide valuable information about the early implementation stages of a project. Outcome measures, such as the percent of students reading on grade level, provide information about whether a project is achieving its overall goals. Recipients are encouraged to use logic models²⁵ to identify their output and outcome measures.

²⁴ For more information on the required standards for program evaluation, see OMB M-20-12.

²⁵ A logic model is a tool that depicts the intended links between program investments and outcomes, specifically the relationships among the resources, activities, outputs, outcomes, and impact of a program.



While the initial Recovery Plan focused heavily on early output goals, recipients should include the related outcome goal for each project and provide updated information on achieving these outcome goals in subsequent annual reports. In cases where recipients are conducting a program evaluation for a project (as described above), the outcome measures in the performance report should be aligned with those being evaluated in the program. As described in the final rule, to support their performance measurement and program improvement efforts, recipients are permitted to use funds to make improvements to data or technology infrastructure and data analytics, as well as perform program evaluations.

While recipients have discretion on the full suite of performance indicators to include, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients. This section provides an overview of the mandatory performance indicators and programmatic data. This information should be included in the Project Inventory, but this data will also need to be entered directly into the Treasury reporting portal as part of the Project and Expenditure report, as Treasury has added these fields (for Tier 1 recipients only) to the Project and Expenditure report. Below is a list of required data for each Expenditure Category, where relevant.

- a. Household Assistance (EC 2.2), Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
 - Number of households receiving eviction prevention services (including legal representation)
 - Number of affordable housing units preserved or developed
- b. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
 - Number of workers enrolled in sectoral job training programs
 - Number of workers completing sectoral job training programs
 - Number of people participating in summer youth employment programs
- c. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
 - Number of students participating in evidence-based tutoring programs²⁶
- d. Healthy Childhood Environments (EC 2.11-2.14):
 - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
 - Number of families served by home visiting

The initial report should have included the key indicators above. Each annual report thereafter should include updated data for the performance period as well as prior period data, and a brief narrative adding any additional context to help the reader interpret the results and understand any changes in performance indicators over time. To the extent possible, Treasury also encourages recipients to provide data disaggregated by race, ethnicity, gender, income, and other relevant factors.

8. Project Inventory

In this section, recipients should list the name and provide a brief description of each SLFRF funded project. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding.

²⁶ For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.).



For each project, recipients should include the project name, funding amount, identification number (the same identification number created by the recipient that matches the identification number used in the quarterly Project and Expenditure Report), project Expenditure Category (see Appendix 1), and a description of the project that includes an overview of the main activities of the project, approximate timeline, primary delivery mechanisms and partners, and intended outcomes. Each jurisdiction should also include a link to the website of the project if available. This information will provide context and additional detail for the information reported quarterly in the Project and Expenditure Report.

For infrastructure projects, where relevant, recipients should describe how the project contributes to addressing climate change and/or advances the Justice40 initiative²⁷, which sets a target of providing 40 percent of the benefits of certain federal investments, including climate and clean energy investments to disadvantaged communities.

As noted above in section 6, the Project Inventory must also include information about the dollar amount of the total project spending that is allocated towards evidence-based interventions (or describe how projects are being evaluated as noted above). As described above in section 7, the Project Inventory must also contain information about the performance indicators for each project, including both those measures that recipients have defined for each project as well as the mandatory performance indicators defined by Treasury.

Recipients have flexibility in the presentation and format of their Project Inventory, provided it includes the minimum required information. Recipients have the option of downloading a spreadsheet of the information entered into their Project and Expenditure Report to assist them in creating the Project Inventory in their Recovery Plan. However, recipients must ensure that their Project Inventory contains the additional information required by this guidance, including but not limited to information about performance measures and evidence/evaluation for each project. In all cases, recipients must post publicly (and submit to Treasury) a single PDF file of their Recovery Plan, which includes the Project Inventory.

D. Distributions to NEUs

Each state and territory is required to provide regular updates on their NEU distributions as well as their distributions to units of general local government within counties that are not units of general local government. The distribution template generally requests information on whether the local government has (1) received funding; (2) declined funding and requested a transfer to the state under Section 603(c)(4) of the Act; or (3) not taken action on its funding or declined funding.

For NEUs, states and territories should be prepared to report on their information, including the following:

- NEU name
- NEU UEI number
- NEU Taxpayer Identification Number (TIN)
- NEU Recipient Number (a unique identification code for each NEU assigned by the State or territory to the NEU as part of the request for funding)
- NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
- NEU authorized representative name and email address
- Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)

²⁷ See [Executive Order 14008](#), On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, [OMB M-21-28](#).



- Total NEU reference budget (as submitted by the NEU to the State or territory as part of the request for funding)
- Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
- Payment amount(s)
- Payment date(s)

States with “weak” minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the state deemed ineligible.

For each eligible NEU that declined funding and requested a transfer to the state under Section 603(c)(4) of the Social Security Act, the state or territory must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government.



Appendix 1: Expenditure Categories

Treasury’s final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients began reporting on a broader set of eligible uses and associated Expenditure Categories (“EC”), starting with the April 2022 Project and Expenditure Report than they did in their interim reports, initial Recovery Plans, and January Project and Expenditure Report. The table below includes the new Expenditure Categories, as well as a reference to previous Expenditure Categories aligned with the interim final rule and used for reporting before this date.

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term “Expenditure Category” refers to the detailed level (e.g., 1.1 COVID-19 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disproportionately impacted communities (see Project Demographic Distribution section above for details)

Expenditure Category	EC ²⁸	Previous EC ²⁹
1: Public Health		
COVID-19 Mitigation & Prevention		
COVID-19 Vaccination [^]	1.1	1.1
COVID-19 Testing [^]	1.2	1.2
COVID-19 Contact Tracing [^]	1.3	1.3
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.) ^{^*}	1.4	1.4
Personal Protective Equipment [^]	1.5	1.5
Medical Expenses (including Alternative Care Facilities) [^]	1.6	1.6
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine) [^]	1.7	1.8
COVID-19 Assistance to Small Businesses [^]	1.8	-
COVID 19 Assistance to Non-Profits [^]	1.9	-
COVID-19 Aid to Impacted Industries [^]	1.10	-
Community Violence Interventions		
Community Violence Interventions ^{^*}	1.11	3.16
Behavioral Health		
Mental Health Services ^{^*}	1.12	1.10
Substance Use Services ^{^*}	1.13	1.11
Other		
Other Public Health Services [^]	1.14	1.12
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	-	1.7
2: Negative Economic Impacts		
Assistance to Households		
Household Assistance: Food Programs ^{^*}	2.1	2.1

²⁸ Under the final rule to be used starting with April 2022 reports

²⁹ Under the interim final rule to be used in Interim Report and January 2022 Project and Expenditure Report



Expenditure Category	EC ²⁸	Previous EC ²⁹
Household Assistance: Rent, Mortgage, and Utility Aid*^	2.2	2.2
Household Assistance: Cash Transfers*^	2.3	2.3
Household Assistance: Internet Access Programs*^	2.4	2.4
Household Assistance: Paid Sick and Medical Leave^	2.5	-
Household Assistance: Health Insurance*^	2.6	-
Household Assistance: Services for Un/Unbanked*^	2.7	-
Household Assistance: Survivor's Benefits^	2.8	-
Unemployment Benefits or Cash Assistance to Unemployed Workers*^	2.9	2.6
Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)*^	2.10	2.7
Healthy Childhood Environments: Child Care*^	2.11	3.6
Healthy Childhood Environments: Home Visiting*^	2.12	3.7
Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	2.13	3.8
Healthy Childhood Environments: Early Learning*^	2.14	3.1
Long-term Housing Security: Affordable Housing*^	2.15	3.10
Long-term Housing Security: Services for Unhoused Persons*^	2.16	3.11
Housing Support: Housing Vouchers and Relocation Assistance for Disproportionately Impacted Communities*^	2.17	-
Housing Support: Other Housing Assistance*^	2.18	3.12
Social Determinants of Health: Community Health Workers or Benefits Navigators*^	2.19	3.14
Social Determinants of Health: Lead Remediation*^	2.20	3.15
Medical Facilities for Disproportionately Impacted Communities^	2.21	-
Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^	2.22	-
Strong Healthy Communities: Demolition and Rehabilitation of Properties^	2.23	-
Addressing Educational Disparities: Aid to High-Poverty Districts^	2.24	3.2
Addressing Educational Disparities: Academic, Social, and Emotional Services*^	2.25	3.3
Addressing Educational Disparities: Mental Health Services*^	2.26	3.4
Addressing Impacts of Lost Instructional Time^	2.27	-
Contributions to UI Trust Funds^	2.28	2.8
Assistance to Small Businesses		
Loans or Grants to Mitigate Financial Hardship^	2.29	2.9
Technical Assistance, Counseling, or Business Planning*^	2.30	
Rehabilitation of Commercial Properties or Other Improvements^	2.31	-
Business Incubators and Start-Up or Expansion Assistance*^	2.32	
Enhanced Support to Microbusinesses*^	2.33	
Assistance to Non-Profits		
Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)^	2.34	2.10
Aid to Impacted Industries		
Aid to Tourism, Travel, or Hospitality^	2.35	2.11
Aid to Other Impacted Industries^	2.36	2.12
Other		
Economic Impact Assistance: Other*^	2.37	2.13
Household Assistance: Eviction Prevention*^	-	2.5
Education Assistance: Other*^	-	3.5



Expenditure Category	EC ²⁸	Previous EC ²⁹
Healthy Childhood Environments: Other**^	-	3.9
Social Determinants of Health: Other**^	-	3.13
3: Public Health-Negative Economic Impact: Public Sector Capacity		
General Provisions		
Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers	3.1	1.9
Public Sector Workforce: Rehiring Public Sector Staff	3.2	2.14
Public Sector Workforce: Other	3.3	-
Public Sector Capacity: Effective Service Delivery	3.4	7.2
Public Sector Capacity: Administrative Needs	3.5	-
4: Premium Pay		
Public Sector Employees	4.1	4.1
Private Sector: Grants to Other Employers	4.2	4.2
5: Infrastructure		
Water and Sewer		
Clean Water: Centralized Wastewater Treatment	5.1	5.1
Clean Water: Centralized Wastewater Collection and Conveyance	5.2	5.2
Clean Water: Decentralized Wastewater	5.3	5.3
Clean Water: Combined Sewer Overflows	5.4	5.4
Clean Water: Other Sewer Infrastructure	5.5	5.5
Clean Water: Stormwater	5.6	5.6
Clean Water: Energy Conservation	5.7	5.7
Clean Water: Water Conservation	5.8	5.8
Clean Water: Nonpoint Source	5.9	5.9
Drinking water: Treatment	5.10	5.10
Drinking water: Transmission & Distribution	5.11	5.11
Drinking water: Lead Remediation, including in Schools and Daycares	5.12	5.12
Drinking water: Source	5.13	5.13
Drinking water: Storage	5.14	5.14
Drinking water: Other water infrastructure	5.15	5.15
Water and Sewer: Private Wells	5.16	-
Water and Sewer: IIJA Bureau of Reclamation Match	5.17	-
Water and Sewer: Other	5.18	-
Broadband		
Broadband: "Last Mile" projects	5.19	5.16
Broadband: IIJA Match	5.20	-
Broadband: Other projects	5.21	5.17
6: Revenue Replacement		
Provision of Government Services	6.1	6.1
Non-federal Match for Other Federal Programs	6.2	-
7: Administrative		
Administrative Expenses	7.1	7.1
Transfers to Other Units of Government	7.2	7.3
Transfers to Non-entitlement Units (States and territories only)	-	7.4



Treasury has prepared the additional guidance below to support recipients in implementing the new expenditure categories. This table includes only those previous expenditure categories that are changing under the new structure, aligned with the final rule.

January 2022 Expenditure Categories		April 2022 Guidance
1: Public Health		
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	EC removed, capital expenditures can be designated in any relevant PH-NEI EC (e.g., new hospital wing would be tracked under EC 1.4)
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)	EC is 1.7
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19	EC is 3.1
1.10	Mental Health Services*	EC is 1.12
1.11	Substance Use Services*	EC is 1.13
1.12	Other Public Health Services	EC is 1.14
2: Negative Economic Impacts		
2.5	Household Assistance: Eviction Prevention	EC is now included as part of 2.2
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*	EC is 2.9
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)*^	EC is 2.10
2.8	Contributions to UI Trust Funds	EC is 2.28
2.9	Small Business Economic Assistance (General)*^	If public-health related (e.g., providing rapid tests for small businesses), EC is 1.8; if related to negative economic impact eligible use (e.g., grants, technical assistance, rehabilitation, incubators, or microbusinesses), EC is 2.29-2.33
2.10	Aid to Nonprofit Organizations*	If public-health related (e.g., providing rapid tests for non-profits), EC is 1.9; if related to negative economic impact (e.g., grants to stabilize non-profit budget), EC is 2.34
2.11	Aid to Tourism, Travel, or Hospitality	EC is 2.35
2.12	Aid to Other Impacted Industries	EC is 2.36
2.13	Other Economic Support*^	EC is 2.37, re-named Other Economic Impact
2.14	Rehiring Public Sector Staff	EC is 3.2
3: Services to Disproportionately Impacted Communities		
3.1	Education Assistance: Early Learning*^	EC is 2.14
3.2	Education Assistance: Aid to High-Poverty Districts ^	EC is 2.24
3.3	Education Assistance: Academic Services*^	EC is 2.25, social and emotional services will now be tracked under this EC
3.4	Education Assistance: Social, Emotional, and Mental Health Services*^	EC is 2.26, if social and emotional services, EC is 2.25;



January 2022 Expenditure Categories	April 2022 Guidance
3.5 Education Assistance: Other**^	EC is 2.37, collected under Other Economic Impact
3.6 Healthy Childhood Environments: Child Care**^	EC is 2.11
3.7 Healthy Childhood Environments: Home Visiting**^	EC is 2.12
3.8 Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System**^	EC is 2.13
3.9 Healthy Childhood Environments: Other**^	EC is 2.37, collected under Other Economic Impact
3.10 Housing Support: Affordable Housing**^	EC is 2.15
3.11 Housing Support: Services for Unhoused Persons**^	EC is 2.16
3.12 Housing Support: Other Housing Assistance**^	EC is 2.18
3.13 Social Determinants of Health: Other**^	EC is 2.37, collected under Other Economic Impact
3.14 Social Determinants of Health: Community Health Workers or Benefits Navigators**^	EC is 2.19
3.15 Social Determinants of Health: Lead Remediation^	EC is 2.20
3.16 Social Determinants of Health: Community Violence Interventions**^	EC is 1.11
5: Infrastructure	
5.16 Broadband: "Last Mile" projects	EC is 5.19
5.17 Broadband: Other projects	EC is 5.20
7: Administrative	
7.2 Evaluation and Data Analysis	EC is 3.4 and has been renamed Effective Service Delivery
7.3 Transfers to Other Units of Government	EC is 7.2
7.4 Transfers to Non-entitlement Units (States and territories only)	To be separately reported as part of NEU/Non-UGLG module. Refer to Part 2 Section D.



Appendix 2: Evidenced-Based Intervention Additional Information

What is evidence-based?

For the purposes of the SLFRF, with the exception of investments in educational services (see additional information below), evidence-based refers to interventions with strong or moderate evidence as defined below:

Strong evidence means that the evidence base can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.

Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more non-experimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include: well-designed and well-implemented quasi-experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).

Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one non-experimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn about and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcome.

For investments in educational services, "evidence-based", consistent with the American Rescue Plan Act, has the meaning in section 8101(21) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6301 *et seq.*). Please see page 16 of this [Frequently Asked Questions resource](#) on the Department of Education's Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs for more information.



Appendix 3: Expenditure Categories aligned with the Interim Final Rule

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^
3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^



3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: "Last Mile" projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

**Revision Log**

Version	Date Published	Summary of changes
1.0	June 17, 2021	Initial publication
1.1	June 24, 2021	<ul style="list-style-type: none"> • Pg. 12, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 13, revised the coverage period end date for the Interim Report from June 30, 2021 to July 31, 2021 to align with the IFR. • Pg. 13, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 31, removed references to “summary level” with respect to Expenditure Categories in Appendix 1 to avoid confusion.
1.1	September 30, 2021	<ul style="list-style-type: none"> • Announced the extension in the Project and Expenditure Report submission date, originally due on October 31, 2021.
2.0	November 5, 2021	<ul style="list-style-type: none"> • Updated Subrecipient Monitoring section to clarify beneficiaries and recipients. • Updated references to Interim Final Rule comment period as comment period is closed. • Updated reporting tiers, thresholds and timelines in Part 2 Table 2, Reporting Requirements by recipient type, as well as Part 2 A and Part 2 B. • Updated reporting periods for Interim Report and Project and Expenditure reports. • Added concept of Adopted Budget to Project and Expenditure Report data fields. • Noted phase in of Required Programmatic Data in the Project and Expenditure Report. • Removed certain data fields from the Ineligible Activities: Tax Offset Provision under the Recovery Plan. • Separated reporting of NEU Distributions (for States and territories) from the Interim Report and Project and Expenditure Reports as information will be provided on an ongoing basis.
2.1	November 15, 2021	<ul style="list-style-type: none"> • Updated pages 9 and 11 to note that civil rights certification is not applicable to Tribal Governments.
3.0	February 28, 2022	<ul style="list-style-type: none"> • Updated to incorporate reporting updates under the final rule
4.0	June 10, 2022	<ul style="list-style-type: none"> • Updated Recovery Plan guidance to incorporate minor revisions • Updated language around certain data fields that were required for April 2022 reporting • Updated data fields for Ineligible Activities: Tax Offset Provision for the Project and Expenditure report • Updated Broadband data fields
4.1	June 17, 2022	<ul style="list-style-type: none"> • Updated clerical errors in Ineligible Activities: Tax Offset Provision
4.2	August 15, 2022	<ul style="list-style-type: none"> • Updated to clarify resources for Uniform Guidance applicability and add a reference to an alternative to the Single Audit available for eligible recipients
5.0	September 20, 2022	<ul style="list-style-type: none"> • Updated to note phase in of broadband location by location data fields

Appendix H –
Subrecipient's W-9

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this form; do not leave this line blank. NAVAJO TRIBAL UTILITY AUTHORITY	
2 Business name/disregarded entity name, if different from above NAVAJO TRIBAL UTILITY AUTHORITY	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box on the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input checked="" type="checkbox"/> Other (see instructions) ▶ GOV'T ENTITY-INDIAN RESERVATION NAVAJO TRIBAL ENTERPRISE	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3). Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) N/A <small>(Applies to accounts opened outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. PO BOX 170	Requestor's name and address (optional) NAVAJO NATION PO Box 8000 Window Rock, Arizona 86515-8000
6 City, state, and ZIP code FORT DEFIANCE, ARIZONA 86504	7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>											
or											
Employer identification number											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">8</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">6</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">-</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">0</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">0</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">6</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">6</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</td> </tr> </table>	8	6	-	0	2	0	4	6	6	2	
8	6	-	0	2	0	4	6	6	2		

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶

Date ▶

3/6/23

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is backup withholding, later.

Appendix I –
Subrecipient's
Certificate of Good
Standing from the
Business Regulatory
Department



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF GOOD STANDING

To all to Whom these Presents Shall Come, Greetings:

I, the Director of the Business Regulatory Department, DO HEREBY CERTIFY
that

NTUA HEADQUARTERS, LLC

File Number: 101958

a Corporation organized under the laws of the Navajo Nation Corporation Act, did
incorporate on December 31st, 2017.

I FURTHER CERTIFY that this corporation has filed all affidavits and annual
reports and has paid all annual filing fees required to date and, therefore, is in good
standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Code. Done at
Window Rock, Arizona, the Capital of the
Navajo Nation, this 23rd
day of March, 2022 A.D.

Director, Business Regulatory
Division of Economic Development
Notah C. Silversmith

Navajo Nation
Division of Economic Development
Post Office Box 663
Window Rock, AZ 86515



Business Regulatory Dept
(928) 871-7365
871-6714
Fax: (928) 871-7381

NAVAJO NATION CORPORATION CODE

CHANGE OF REGISTERED AGENT

Exact Name of Corporation: NTUA HEADQUARTERS, LLC

Name and Address of Former Registered Agent:
WARREN DENETSOSIE, ON RESERVATION RT 12, FORT DEFIANCE, AZ. 86504

Name and Exact Street Address of New Registered Agent:
ROBERT L. SILVA
(Name)
ON RESERVATION RT 12, FORT DEFIANCE, AZ. 86504
(Address)

NOTE: If no street address is available then you must attach a map showing the Registered Agent's exact location:

Date of when change shall take effect: MARCH 17, 2022

Registered Agent change was authorized by: Walter W. Haase, P.E., GENERAL MANAGER

(Change should be authorized by resolution duly adopted by its Board of Directors or should be authorized by an Officer of the Corporation duly empowered to make such change).

ACKNOWLEDGEMENT OF NEW REGISTERED AGENT

I, ROBERT L. SILVA, having been designated to act as Registered Agent, hereby consent to act in that capacity until removed or until a resignation is submitted in accordance with the Navajo Corporation Code.


(Signature of Registered Agent)

3/17/2022
(Date)

Navajo Nation
Division of Economic Development
Post Office Box 663
Window Rock, AZ 86515



Business Regulatory Dept
(928) 871-7365
871-6714
Fax: (928) 871-7381
www.navajobusiness.com

NAVAJO NATION LIMITED LIABILITY COMPANY ACT

**ANNUAL REPORT (5 NNC § 3630)
2021**

For Fiscal Year Ending

All information must be completed and the required fee submitted, or this document will not be accepted for filing.

File No.: _____
(Office Use Only)

1. LLC's Name: NTUA HEADQUARTERS, LLC

(Name must match the name on file with the Navajo Nation)

2. Street and Mailing address of the LLC's designated office:
ON RESERVATION RT 12 AND/OR PO BOX 170
Address
FORT DEFIANCE, AZ 86504
City State Zip

3. Name of the LLC's Agent for Service: ROBERT L. SILVA

4. Street and Mailing address of the LLC's Agent for Service:
ON RESERVATION RT 12 AND/OR PO BOX 170 FORT DEFIANCE, AZ 86504

5. Names of the Manager/Members:
WALTER W. HAASE, P.E., NTUA GENERAL MANAGER

6. Street and mailing address of the manager:
ON RESERVATION RT 12 AND/OR PO BOX 170 FORT DEFIANCE, AZ 86504

7. Phone Number: (928) 729-6202

8. Federal Employer ID Number (FEIN): 47-2653288

I declare under penalty of perjury pursuant to the laws of the Navajo Nation that the foregoing is true and correct and that I have remitted the required fee. **(Do not leave blank.)**

Walter W. Haase
Signature Check One Manager Member

3/17/2022
Date: (month, day, year)

WALTER W. HAASE, P.E., GENERAL MANAGER
Print Name

Appendix J –
Certificate of Insurance

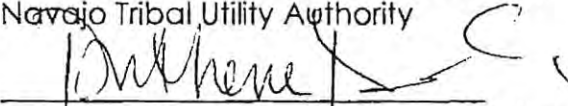


MEMORANDUM



E-MAILED
3/15/23

TO : Brandon K. Bitsuie, Associate Attorney
Navajo Tribal Utility Authority

FROM: 
Dorothea Dedman, Insurance Claims Analyst
Risk Management Program

DATE : March 15, 2023

RE : Insurance Minimum Review – Navajo Nation & NTUA

The Risk Management Program is in receipt of the above-mentioned document for insurance minimum review. The review focused primarily on the Subrecipient Agreement for Subaward of American Rescue Plan Act Fiscal Recovery Funds. After further Review, the Risk Management Program has the following comments:

1. The Navajo Nation should require the following minimum insurance requirements: Commercial General Liability coverage, ISO CG 0001 Form or equivalent with minimum limits of \$1,000,000 per occurrence, \$2,000,000 aggregate; Auto Liability minimum limit of \$1,000,000 per accident and should include non-owned autos; Workers' Compensation coverage with statutory benefits and Employers Liability coverage with minimum limits of \$1,000,000/\$1,000,000/\$1,000,000. **The Navajo Nation shall be named as additional insured for general and auto liability coverages only.**
2. Since NTUA is a member of the Navajo Nation Property & Casualty pool (RMP), Verification of Coverage (VOC) would be issued on behalf of the contractor at the time the contract is finalized.

If you have any question, please feel free to contact me at extension 6335.

cc: Harlan Charley, Department Manger II, ISD
Arita Yazzie, Advocote, Department of Justice

FIRM NAME : Navajo Tribal Utility Authority
ADDRESS : P.O. Box 170
Fort Defiance, Arizona 86504
TELEPHONE NO.: (928) 729 - 6202

DIVISION OF ECONOMIC DEVELOPMENT
BUSINESS REGULATORY DEPARTMENT

NAVAJO BUSINESS OPPORTUNITY CLEARANCE

_____ I certify that the above named person or firm is certified Navajo or Other Indian Owned Firm in accordance with the provisions of current Navajo Tribal Law for enforcement of Navajo Business Opportunity in Tribal Contracting.

X I certify that the above named person or firm is not certified as a Navajo or Other Indian Firm in accordance with the provisions of current Navajo Tribal Law for enforcement of Navajo Business Opportunity in Tribal Contracting.

_____ No certified Navajo or Other Indian Firm available for contract performance.

N/A Attached contract has been let out for bid in accordance with all Tribal Contract Laws - Navajo Business Opportunity Act (5 N.N.C §201 et seq.), Navajo Nation Procurement Code (12 N.N.C. §301 et seq.) and Title Two (2 N.N.C §223). (Invitation to Bid and Bid Results attached). See Comments Below.

N/A This proposed contract is in compliance with applicable Navajo Business Opportunity Act (5 N.N.C §201 et seq.). See Comments Below.



Signature Title Date
05/16/23

Reviewed by: R. Tabaha 
Staff/Business Regulatory Department Date: 05/15/2023

COMMENTS (If Any): Document is a PSC (Subrecipient Agreement) document between Navajo Nation (OP/VP) and the above listed governmental agency. Provisions of the NBOA do not apply in this type of agreement; accordingly, OK to sign off on document as requested. RTabaha

SECTION 164 REVIEW FORM

Title of Document: NTUA Drinking Water: Transmission & Dist Contact Name: JOHN, JASON G

Program/Division: EXECUTIVE OFFICES (OP/VP)

Email: t.platero@navajo-nsn.gov Phone Number: 505-309-5532 ⁹²⁸

Division Director Approval for 164A: _____

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days. except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:			Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)				
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:				
	1. Division: <u>NNTF</u>	Date: <u>5/16/2023</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	2. BRD: <u>[Signature]</u>	Date: <u>05/16/23</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	3. OMB: <u>CSH</u>	Date: <u>5/18/22</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	4. OOC: <u>[Signature]</u>	Date: <u>6/8/23</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	5. OAG: <u>[Signature]</u>	Date: <u>6/13/23</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

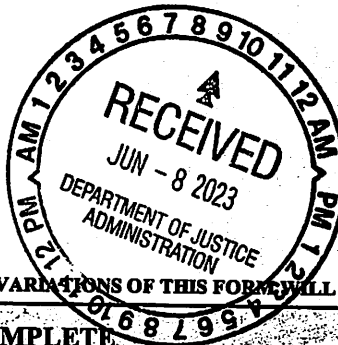




NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

RESUBMITTAL



DOJ 6/8/23 9:12 DATE/TIME 7 Day Deadline DOC #: 20667 SAS #: UNIT: N.N.

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 6/8/2023 ENTITY/DIVISION: N.N.L.F.O. CONTACT NAME: Tom Platero DEPARTMENT: N.N.F.F.O. Admin PHONE NUMBER: 505 413 0990 E-MAIL: T.platero@nndj.gov

TITLE OF DOCUMENT: 164 Revision NTUA: Drinking Water Transmission & Dist

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 6/8/23 10Am REVIEWING ATTORNEY/ADVOCATE: Erika Piroette 6/20/23

DATE/TIME OUT OF UNIT: 6-13-23 1:41PM

DOJ ATTORNEY / ADVOCATE COMMENTS

Legally sufficient. EC 5.11

REVIEWED BY: (PRINT) E. Piroette DATE / TIME 6/13/23 1043 SURNAMED BY: (PRINT) V. Blackhat DATE / TIME 6/13/23 12:03pm

DOJ Secretary Called: EMAIL Tom for Document Pick Up on 6-13-23 at 1:41pm By: CN

PICKED UP BY: (PRINT) DATE / TIME:

-DML-

Navajo Nation - Division of Finance
Office of the Controller

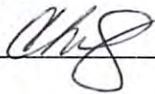
164 or Signature Authorization Sheet (SAS) Sign-Off Sheet for OOC

(Attach sign off sheet to SAS document to ensure each section within OOC signs off on SAS)

PLEASE NOTE OOC (ALL SECTIONS IN TOTAL) HAS 7 DAYS TO REVIEW

20667

OOC - Section	Date
---------------	------

- 1 Accounts Receivable: _____
- 2 General Accounting: _____
- 3 Contract Accounting: JK 5/30/23  _____
- 4 Contract Administration: _____

Comments:

/
5/30/2023 - SUFFICIENT. ✓ JKambates Cmg 5/30/23



DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOYA *VICE PRESIDENT*

The Navajo Nation | Yideeskáądi Nitsáhákees

MEMORANDUM

TO: Navajo Nation Section 164 Reviewers

FROM: *Darlene Begay*
Darlene Begay, Senior Accountant
Contract Administration
Navajo Nation Office of the Controller

THRU: *Valerie Bitsilly*
Valerie Bitsilly, Accountant
Contract Administration
Navajo Nation Office of the Controller

DATE: June 7, 2023

SUBJECT: Document No. 020667 - NTUA

Please be advised, the 164 Review Document No. 020667 is complete. Upon review, Navajo Nation Office of the Controller, Contract Administration Section recommends the following deficiency(s) to be addressed and corrected. Should you have any questions, please bring it to my attention at 928.810.8546. Thank you.

Account Identification: _____

Term of Contract: _____
Bids/Advertisements/Quotes or _____

Sole Source Justification: _____

Business Regulatory Clearance: _____

Insurance: _____

Debarment/Suspension: Attach completed form, utilize form on OOC website. _____

W-9: _____

Other: Attach four (4) sets of the contract. _____

(Ex: copies, SOW, signatures,) _____

**Contracts and Grants Section / OMB
Document Review Check on Agreement for 2 NNC § 222(A) Action**

(Fill in Spaces Highlighted Green that Apply)

Document Review No.: 164 (B) - 020667 Date of Review 5/18/2023
US Treasury ARPA - Division of Natural Resources: Drinking Water - Transmission & Distribution

Sponsor - Title of Program / Division

Agreement / Service Contract - Sec. 164(B) Review

A. K # / Object Code K211561.8785 NN Fund B/U
**Execution by All Parties to 12/31/2024;
 Expend by 6/30/2026**

B. Begin & End Date of Agreement: 3/11/2021 to 12/31/2026

C. Begin & End date of Grant Award, on K # at A. above.

D. **Explanation on purpose of Agreement:**
 Sub recipient Agreement between Navajo Nation and Navajo Tribal Utility Authority for the construction of new water loading stations throughout the Navajo Nation.

E. Proposed Amt of Expense: \$3,810,000.00

F. Date of FMIS JSI / Budget Balance \$3,960,000.00

G. Proposed purchase allowed by SOW? Yes

H. Proposed purchase budgeted in grant award? Yes

I. **Comment on issues, concerns, etc. on document:**
 Sub recipient Agreement between Navajo Nation and Navajo Tribal Utility Authority is from date of Execution of All Parties and must be obligated by December 31, 2024 and expend funds by June 30, 2026 unless earlier or later date is determined by the Nation through a resolution. CGS does have concern on No. 5. b. of Agreement as the period of performance states "shall begin on March 3, 2021", but the Nation was not awarded until March 11, 2021. Document is sufficient to process.

J. **Document is Sufficient or Insufficient:** Sufficient

K. **Review By / Date:** mf 5/14/23
Surname By / Date: cshw 5/18/23

Explain in memorandum significant points and issues/concerns noted in Section I above.