

# INDIAN AFFAIRS MANUAL

Part 14

Office of Self-Governance

Chapter 2

Initiative Funding and Funding Increase Distributions

Page 1

**1.1 Purpose.** This chapter establishes Indian Affairs (IA) policy and procedures to develop and implement a methodology which allows for the accurate distribution and calculations by the Office of Self-Governance (OSG) of increases in funding including special initiative funding that is made available by the Bureau of Indian Affairs (BIA) Office of Indian Services (OIS) for all eligible Tribes.

**1.2 Scope.** This policy applies to OIS and OSG officials who process funding for Tribes including special initiative funding and associated funding increases through an Indian Self-Determination and Education Assistance Act (ISDEAA) (P. L. 93-638 Title IV) Self-Governance Annual or Multi-Year Funding Agreement.

The term "Tribes" is inclusive of Tribes within Tribal Consortia.

**1.3 Policy.** OIS distributes funding for multiple programs (including Social Services, Indian Child Welfare Act (ICWA), Small and Needy Tribes, Housing Improvement Program, Road Maintenance, and Job Placement and Training) to Tribes based on methodologies used to facilitate fair and equitable treatment of Tribes. Funding distributions for Self-Governance Tribes are made in accordance with each Tribe's respective Self-Governance Funding Agreements.

**1.4 Authority.**

**A. Statutes and Regulations.**

- 1) P.L. 103-413, Tribal Self-Governance Act of 1994, as amended
- 2) P.L. 93-638, Title I and IV<sup>1</sup> of the ISDEAA of 1975, as amended
- 3) 25 Code of Federal Regulations (CFR) Subchapter D, Human Services, and Subchapter F, Tribal Government
- 4) 25 CFR 115, Trust Funds for Tribes and Individual Indians
- 5) 25 CFR 1000, Annual Funding Agreements under the Tribal Self-Government Act, and 1001, Self-Governance Program

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<sup>1</sup> Title IV Tribes and Tribal Consortia operate under Self-Governance Funding Agreements (Annual or Multi-Year) which are broad in scope and can include funding for every program a Tribe is eligible to operate. Title IV Tribes have broad statutory authority to consolidate and redesign programs, as well as reallocate funding.

## INDIAN AFFAIRS MANUAL

### **B. Guidance.**

- 1) Self-Governance Negotiation Guidance for Bureau of Indian Affairs Programs<sup>2</sup>

### **1.5 Responsibilities.**

- A. Director, Office of Self-Governance (OSG)** is responsible for implementing Title IV of the ISDEAA (P. L. 93-638), which sets terms and conditions as they relate to funding that is provided to Self-Governance Tribes. The OSG Director provides policy direction and is responsible for the negotiation of Annual and Multi-Year Funding Agreements with eligible Self-Governance Tribes and Consortia, transferring funding, calculating contract support, resolving issues identified in financial and tribal operations, as well as annual single audit reviews and management decisions. OSG provides a central point of communication and coordination for policy and practical issues relating to Title IV Self-Governance Tribes and Consortia.
- B. Deputy Bureau Director, Office of Indian Services (OIS)** provides policy direction and communication to manage major distributions and calculations, and support for the execution and coordination of OIS programs (including Social Services, Indian Child Welfare Act, Housing Improvement Program, Road Maintenance, Job Placement and Training as well as other major program distributions fund increases) with other BIA and OSG Offices.
- C. Regional Directors (RDs)** are responsible for oversight of the BIA employees in their Regions to ensure that they are providing sufficient support and technical assistance to Tribal governments when agency programs are administered under self-determination awards.

### **1.6 Process for Managing OIS Funding Increases for Title IV Tribes.**

In order to ensure that all Title IV recurring program funding amounts (i.e., base funding) are known and available to support a proposed program funding increase initiative, OIS and OSG must communicate and agree on a fair and equitable methodology for Title IV tribal distributions for OIS programs. This will require that all single line item program amounts be calculated by OSG. OSG will provide base reoccurring amounts for Title IV Tribes to OIS.

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<sup>2</sup> The Office of Self-Governance issues the “Self-Governance Negotiation Guidance” on an annual basis. For more information on the annual guidance, please contact the Office of Self-Governance.

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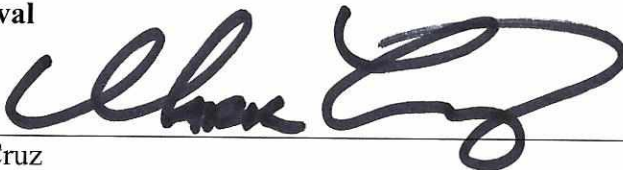
Initiative Funding and Funding Increase Distributions

Page 3

25 CFR 1000.109a(3) requires that “general increases due to Congressional appropriations must be applied consistently, except where used to achieve equitable distribution among regions and Tribes.” Accordingly,

- A. OIS and OSG will coordinate to make sure that the correct budget lines are considered and the correct associated funding amounts are used prior to distribution of any funding increases to Title IV Tribes.
- B. OIS and OSG will meet quarterly to discuss OIS funding documents and activities. This provides an opportunity for OIS and OSG to coordinate and communicate more effectively. Discussions will include but are not limited to:
  - 1) Conferring on proposed BIA Annual Budget Request to Congress<sup>3</sup> (i.e., Greenbook) changes for any OIS program increase no later than three (3) weeks after the Greenbook is released.
  - 2) Conferring to ensure fiscal year funding prior to June 30<sup>th</sup> of each year.
  - 3) Conferring on Conference Report language or bill language which supports an increase or distribution funding for the respective OIS programs.
  - 4) OSG will review and concur with all OIS funding Financial and Business Management System (FBMS) Entry Documents (FEDs) prior to being submitted to BIA Budget for processing.
  - 5) Conferring on funding initiatives and increases prior to the release of these funds to the BIA Regions.

**Approval**



Mark Cruz

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Date

<sup>3</sup> The BIA Annual Budget Request to Congress (i.e., Greenbook) lists and provides justifications for all IA proposed program funds for a given fiscal year.