DOI Self Governance Planning

Vickie Hanvey,
Program Policy Analyst
Application Process

• 25 CFR Parts 1000.10 to 1000.31 govern the application process for Tribes

• Annual Federal Register Notice with **March 1** deadline for submitting applications to participate in the upcoming year
Application Process

• Up to 50 additional Tribes per year may begin participation in Tribal Self-Governance

• Applicant pool: Tribes determined by the Director, OSG to be eligible to participate in Tribal Self-Governance
Application Process

- OSG accepts applications to become a member of the applicant pool at any time

- An applicant may be admitted into the applicant pool during one year and selected to negotiate a compact and FA in a subsequent year
Application Process

• To be admitted into the applicant pool, a tribe must:

• (1) Submit a planning report
Planning Phase

- All prospective SG Tribes complete a planning phase (25 CFR §1000.19)

- During the planning phase, the tribe must:
  
  1. Conduct legal and budgetary research
  
  2. Conduct internal tribal government and organizational planning
Planning Report

• The planning report must:

(1) Identify BIA and non-BIA programs that the tribe may wish to include

(2) Describe the tribe’s planning activities (both for BIA and for non-BIA programs)

(3) Identify the major benefits derived from the planning activities
Planning Report

(4) Identify the tribal process to resolve any complaints by service recipients

(5) Identify any tribal organizational planning

(6) Indicate if the planning efforts reveal that its current organization is adequate to assume programs under Tribal Self-Governance
Planning Report

• Describe the process to debate and decide the setting of priorities for the funds it will receive through a Funding Agreement

• For non-BIA programs the report should describe how the Tribe proposes to perform those programs under a Funding Agreement
Application Process

• To be admitted into the applicant pool, a tribe must:
  
  • (1) Submit a planning report
  
  • (2) Submit a tribal resolution and/or a final official action by the Tribal governing body
Tribal Resolution

• Whereas...

• Whereas...

• Whereas...

• Be it therefore resolved...!
Application Process

• To be admitted into the applicant pool, a tribe must:

• (1) Submit a planning report

• (2) Submit a tribal resolution and/or a final official action by the Tribal governing body

• (3) Demonstrate financial stability and financial management capability for the previous three fiscal years (Super Circular: 2 CFR Part 200 – formerly A133 Audits)
Financial Stability & Financial Management Capability

• Single Audit Act Audits for the previous three years of the tribe’s self-determination contracts

• These audits must not contain material audit exceptions
Financial Stability & Financial Management Capability

• Material audit exception:

  (1) Material weakness

  (2) Questioned, disallowed costs exceeding $10,000
Financial Stability & Financial Management Capability

• If these audits identify any of the described conditions, the tribe must also submit copies of the findings and determination(s)

• A material audit exception deems the tribe ineligible until the eligibility criteria is met
Application Process

• Contact Ken Reinfeld at OSG for information about the application process

• Ken can be reached:

  Phone - (703) 390-6551
  Fax - (202) 219-1404
  E-mail - Kenneth.Reinfeld@bia.gov
Completed Applications

• Submitted by:
  March 1st

• Submitted to:
  Director, Office of Self Governance
PSFAs and Funding

• Funding is available in two forms:

• Residual funds
  are those that are retained by the Bureau of Indian Affairs (BIA) for Inherent Federal Functions (IFF). IFF are those functions that cannot be transferred to Tribes such as transferring federal funding, supervising Federal employees, and developing Federal administrative policy.

• Funds that are transferred to the Tribe
  are equal to the amount the Tribe would have been eligible to receive under contracts and grants for direct programs, funds that are specifically or functionally related to providing services to Tribal members, and any funds available to Tribes from other agencies.
PSFAs and Funding

Key Concepts

**Activities performed**

**Programs, Services, Functions, and Activities (PSFAs)**

means programs, services, functions, and activities (or portions thereof) that the U.S. carries out that an Indian Tribe may elect to carry out through a contract or compact.

**Inherent Federal Function**

means those governmental functions which only the agency must perform which cannot legally be delegated to Tribes.

**Associated funds**

**Tribal Share**

means the associated portion of funds used by the U.S. to carry out the PSFAs to be contracted or compacted.

**Residual**

means associated portion of funds used by the agency to carry out remaining inherent Federal functions when all other PSFAs are contracted.
PSFAs and Funding

PSFAs

Tribe elects to contract or compact A, B, C

Leaves X, Y, Z for agency to perform

Associated Shares

Funds associated with A, B, and C are transferred to the contract or compact

Associated funds are retained by agency to perform X, Y, Z
PSFAs and Funding

• Special Projects or Earmarked PSFAs
  ▫ Subject to special restriction imposed by statute or which are awarded to the Tribe based on a competition or a special identified need.
  ▫ Not authorized to redesign or to reallocate funds
Transition

Contracting vs Compacting

• Submittals
• Post Award
  ▫ Modifications
  ▫ Budget
  ▫ Reports
  ▫ Funds transfer
## Contracting vs Compacting—Initial Submittals

<table>
<thead>
<tr>
<th>Title I—’638 Contracting</th>
<th>Title IV—Self Governance Compacting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application contents: Scope of Work, Job Descriptions, Budget &amp; Justifications, Inventory Listing, Indirect Cost Agreement</td>
<td>Initial Application contents: Application, Tribal Resolution, Planning Report, &amp; Audit Reports for previous 3 years</td>
</tr>
<tr>
<td>Proposal Due Date: October 1st Annually</td>
<td>Initial Proposal Due Date: March 1, 2012</td>
</tr>
<tr>
<td>Application Review (BIA has 90 days to review for January 1st Award)</td>
<td>Initial Proposal Mailing Address: Sharee M. Freeman, Director, Office of Self Governance, Dept of the Interior, Mail Stop 355-G-SIB, 1951 Constitution Ave. NW, Washington DC 20240</td>
</tr>
</tbody>
</table>
# Renewal Contracting/Compacting Submittals

## Title I—’638 Contracting

<table>
<thead>
<tr>
<th>Application contents: Scope of Work, Job Descriptions, Budget &amp; Justifications, Inventory Listing, Indirect Cost Agreement</th>
<th>Annual Negotiation Session—July Review Tribal Shares/Reprogramming Request &amp; Review Current Funding Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal Due Date: October 1st Annually</td>
<td>Renew Compact w/ Revisions if applicable by August</td>
</tr>
<tr>
<td>Application Review (BIA has 90 days to review for January 1st Award)</td>
<td>Renewal Annual Funding Agreement w/ Changes if any due by August</td>
</tr>
</tbody>
</table>
# Contracting vs Compacting—Post Award

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<tr>
<th>Title I—’638 Contracting</th>
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<tbody>
<tr>
<td><strong>Modifications (Mods)</strong></td>
<td><strong>Authority to Obligate (ATO)</strong></td>
</tr>
<tr>
<td>BIA Agency issued</td>
<td>Self Governance Database</td>
</tr>
<tr>
<td>Execution Needed</td>
<td>Email from OSG</td>
</tr>
<tr>
<td></td>
<td>No execution needed</td>
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<tr>
<td><strong>Budgets</strong></td>
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</tr>
<tr>
<td>Budget Revisions submitted to BIA Agency Office</td>
<td>No Budgets required—Internal</td>
</tr>
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<td><strong>Reports</strong></td>
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<tr>
<td>• Qtrly &amp; Final Financial-425</td>
<td>• Negotiation Guidance list of requested reports</td>
</tr>
<tr>
<td>• Annual Narrative Report</td>
<td>• Internal Performance Measures</td>
</tr>
<tr>
<td>• Child Abuse &amp; Neglect Report</td>
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<tr>
<td>• Financial Assistance &amp; Social Services Report (FASSR)</td>
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<tr>
<td>• Labor Force Report</td>
<td></td>
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<td>• OJS Monthly Crime Report</td>
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<tr>
<td><strong>Accessing Funds</strong></td>
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</tr>
<tr>
<td>• Submittal of P638 Request for Payment Forms routed thru BIA Regional Office/Agency</td>
<td>• OSG transfers funds directly through Automated Standard Application for Payments (ASAP) account</td>
</tr>
</tbody>
</table>