

# DOI Self Governance Planning

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# 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  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



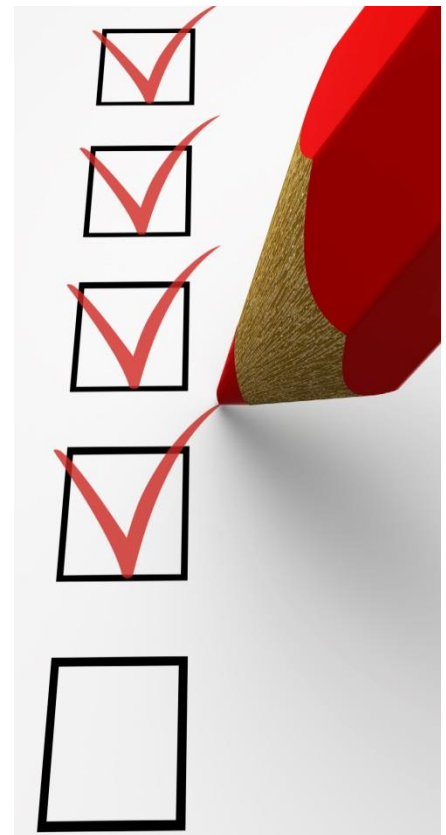
# Application Process



- 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



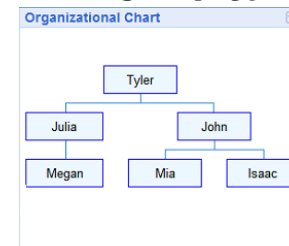
# Planning Phase

- 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

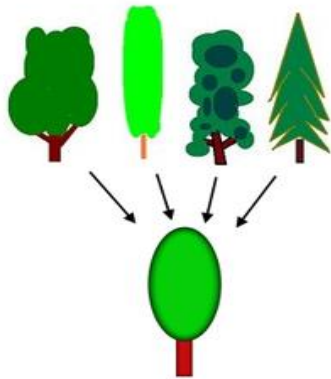




# Planning Report



- 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](mailto:Kenneth.Reinfeld@bia.gov)

Hello,  
this is  
Ken.





# 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

Associated funds

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

Associated

**Tribal Share**

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

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

**Inherent Federal Function**

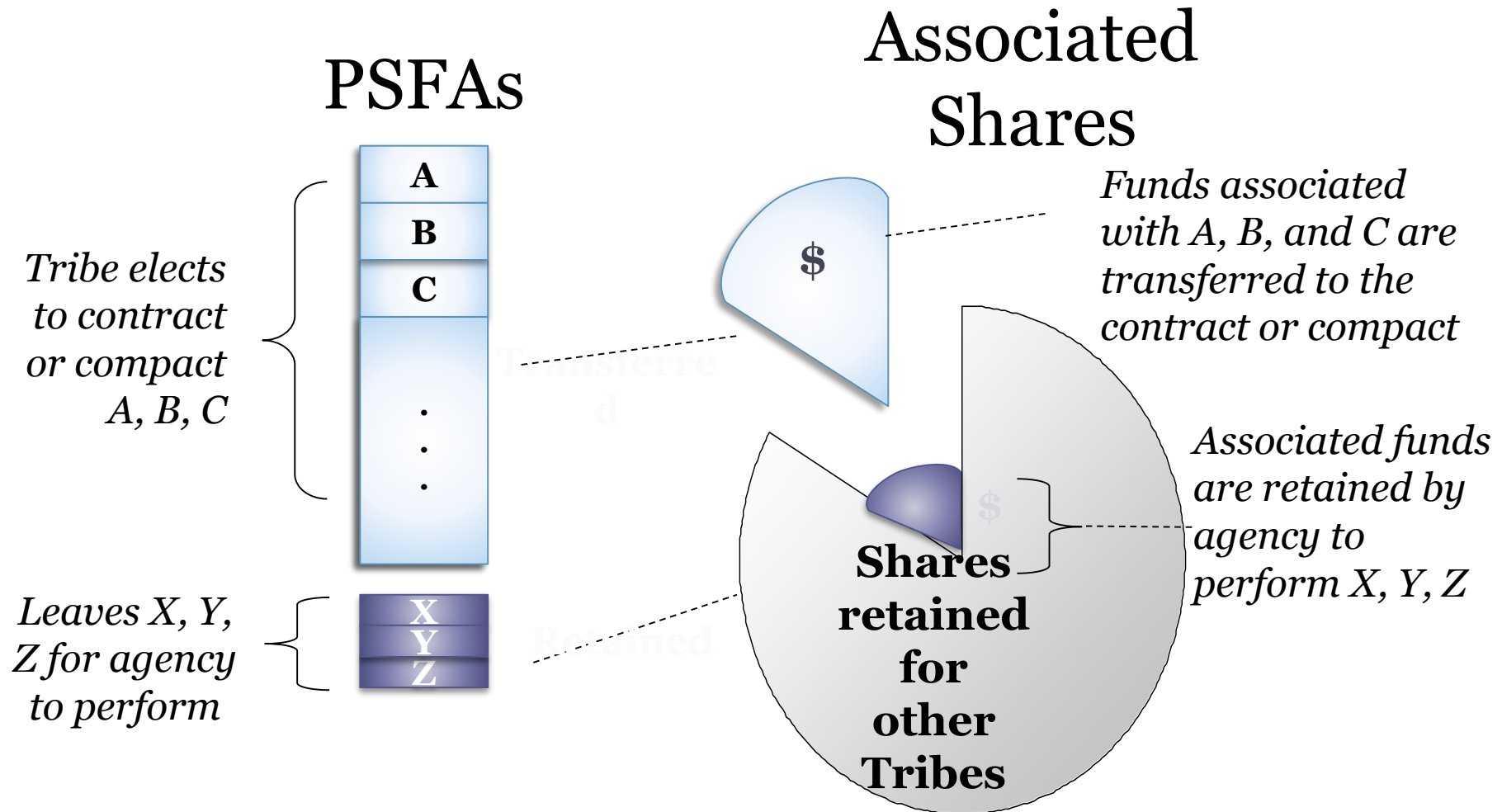
Associated

**Residual**

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

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 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

Title I—'638 Contracting	Title IV—Self Governance Compacting
Application contents: Scope of Work, Job Descriptions, Budget & Justifications, Inventory Listing, Indirect Cost Agreement	Initial Application contents: Application, Tribal Resolution, Planning Report, & Audit Reports for previous 3 years
Proposal Due Date: October 1st Annually	Initial Proposal Due Date: March 1, 2012
Application Review (BIA has 90 days to review for January 1 <sup>st</sup> Award)	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

# Renewal Contracting/Compacting Submittals

Title I—'638 Contracting	Title IV—Self Governance Compacting
Application contents: Scope of Work, Job Descriptions, Budget & Justifications, Inventory Listing, Indirect Cost Agreement	Annual Negotiation Session—July Review Tribal Shares/Reprogramming Request & Review Current Funding Impacts
Proposal Due Date: October 1st Annually	Renew Compact w/ Revisions if applicable by August
Application Review (BIA has 90 days to review for January 1 <sup>st</sup> Award)	Renewal Annual Funding Agreement w/ Changes if any due by August



## Contracting vs Compacting—Post Award

<b>Title I—'638 Contracting</b>	<b>Title IV—Self Governance Compacting</b>
<b>Modifications (Mods)</b>	<b>Authority to Obligate (ATO)</b>
BIA Agency issued Execution Needed	Self Governance Database Email from OSG No execution needed

## Contracting vs Compacting—Post Award

<b>Title I—'638 Contracting</b>	<b>Title IV—Self Governance Compacting</b>
<b>Budgets</b>	<b>Budgets</b>
Budget Revisions submitted to BIA Agency Office	No Budgets required—Internal

## Contracting vs Compacting—Post Award

### Title I—'638 Contracting

#### Reports

- Qtrly & Final Financial-425
- Annual Narrative Report
- Child Abuse & Neglect Report
- Financial Assistance & Social Services Report(FASSR)
- Labor Force Report
- OJS Monthly Crime Report

### Title IV—Self Governance Compacting

#### Reports

- Negotiation Guidance list of requested reports
- Internal Performance Measures

## Contracting vs Compacting—Post Award

### Title I—'638 Contracting

### Title IV—Self Governance Compacting

#### Accessing Funds

- Submittal of P638 Request for Payment Forms routed thru BIA Regional Office/Agency

#### Accessing Funds

- OSG transfers funds directly through Automated Standard Application for Payments (ASAP) account