

U.S. Department of the Interior

MEMORANDUM OF UNDERSTANDING
BETWEEN
OFFICE OF SELF-GOVERNANCE
AND
BUREAU OF INDIAN AFFAIRS OFFICE OF INDIAN SERVICES
FOR DISTRIBUTION OF
SOCIAL SERVICES AND INDIAN CHILD WELFARE ACT PROGRAM
INITIATIVE FUNDING AND FUNDING INCREASE DISTRIBUTIONS

A. Purpose

This Memorandum of Understanding (MOU) between the Office of Self-Governance (OSG) and the Bureau of Indian Affairs (BIA) Office of Indian Services (OIS) is intended to ensure that OSG and OIS establish standard operating procedures and formalize them in an MOU that agrees to work together and create a functional funding methodology and process for future distributions of Social Services and Indian Child Welfare Act (ICWA) Program Initiative funding that is fair and equitable.

B. Scope

The MOU applies to respective staff in BIA Regions and Agencies, the OSG Northwest Field Office (NWFO), as well as OIS and OSG officials working in the Central Office (CO) who are responsible for determining, approving and certifying how much Social Services and ICWA Program Initiative funding is to be provided to Tribes in future distributions. Tribes that receive their Social Services and ICWA Program Initiative funding pursuant to a Self-Determination Contract negotiate with a BIA Contracting Officer located in the region or agency. Regional Social Service Workers are available to provide technical assistance to the Tribes and Contracting Officers. Self-Governance Tribes that receive their Social Services and ICWA Program Initiative funding under an Annual or Multi-Year Funding Agreement negotiate their Funding Agreements with negotiators who work in the OSG NWFO or CO as applicable. Tribes served by OSG are inclusive of Tribes within Tribal Consortia. OIS and OSG financial staff are involved in the transfer of the Social Services and ICWA Program Initiative funding to the recipient Tribes. OIS financial staff works in CO while OSG financial staff works in CO and the NWFO.

C. Policy

It is the policy of the BIA OIS and OSG to work cooperatively to develop, agree upon, and implement a functional funding distribution methodology that facilitates and ensures that all Tribes (including Direct Service, Contracting, and Self-Governance Tribes) are treated fairly, and receive accurate Social Services and ICWA Program Initiative funding into the future.

D. Authority

Tribes operating under the authority of Title I of Pub. L. 93-638, Indian Self-Determination and Education Assistance Act of 1975, as amended, enter into a 638 Contract which involves a Scope of Work with associated monitoring and reporting requirements. Contracting Officers are Awarding Officials who are located in BIA Region or Agency locations. Applicable regulations are found at 25 CFR Part 900.

Tribes operating under the authority of Title IV of Pub. L. 93-638, Indian Self-Determination and Education Assistance Act of 1975, as amended, enter into Self-Governance Annual or Multi-Year Funding Agreements which are broad in scope and can include funding for every program a Tribe is eligible to operate. Title IV Tribes have broad authority to consolidate and redesign programs, as well as reallocate funding. The OSG Director is located in the Central Office and serves as the Awarding Official for Title IV Tribes. Applicable regulations are found at 25 CFR Part 1000. Annual Negotiation Guidance for BIA Programs is issued by the OSG Director.

E. Duties and Responsibilities

OSG and OIS share the following duties and responsibilities:

- The OSG Director is the Awarding Official for all Self-Governance Annual and Multi-Year Funding Agreements and is responsible for fair, equitable and accurate funding distributions of the Social Services and ICWA Program Initiative increases awarded to Self-Governance Tribes.
- The Deputy Bureau Director (DBD), Office of Indian Services (OIS) is responsible for issuing policy direction and communication to BIA Regions/Agencies and OSG that allow for a fair, equitable and accurate funding distribution of the Social Services and ICWA Program Initiative Increases to the Tribes.
- The Regional Directors (RDs) are responsible for managing BIA employees in their Regions to ensure that sufficient support and technical assistance is provided to Tribes when region/agency programs are administered under Self-Determination Contracts.
- The DBD, OIS and Director, OSG shall meet at least quarterly to coordinate and communicate effectively to ensure that fair, equitable and accurate funding distributions of new Social Services and ICWA Program Initiative Increases to Self-Governance Tribes are made.
- Topics to be discussed at quarterly meetings by DBD, OIS and OSG include, but are not limited to, the following:
 - Proposed Green Book provisions related to new Social Services and ICWA Program Initiatives;
 - Funding Increases no later than three weeks after the Green Book is released;
 - Applicable Fiscal Year funding amounts of Program Initiatives prior to April 30 of each year;
 - Conference Report or Appropriation language related to OIS Program Initiative funding Increases to be distributed;
- BIA Awarding Officials in the field are responsible for ensuring that fair, equitable and accurate Social Services and ICWA Program Initiative increases are identified in the Self-Determination Contracts that are approved;
- The DBD, OIS is responsible for determining that the Social Services and ICWA Program Initiative Funding Increases identified in respective 638 Contracts are fair, equitable and accurate and consistent with the OIS guidance;
- OSG Negotiators are responsible for working with the Tribes to identify and negotiate the fair, equitable and accurate funding amounts and associated terms to be included in the Self-Governance Funding Agreement and Reprogramming Request;
- OIS and OSG Financial staff will work cooperatively to ensure that fair, equitable and accurate and timely Social Services and ICWA Program Initiative funding distributions are made to Self-Governance Tribes;

- When calculating an increase for a Title IV Tribe, OSG and OIS will coordinate with each other to identify and agree upon all applicable single line item program amounts. As part of the coordination process, OSG will consult with individual Self-Governance Tribes on an as needed basis. There are three budget lines in which a Tribe's Program can be funded. They include (1) The Program line; (2) Other Aid to Tribal Government (OATG); and (3) Consolidated Tribal Government Program (CTGP). OSG will work with each Self-Governance Tribe to determine the associated Social Services and ICWA Program Initiative funding amount on an as needed basis prior to any new Initiative Increases;
- Before Social Services and ICWA Program Initiative funds are distributed to the Tribes, OIS and OSG shall coordinate and agree that the correct budget lines are being used and the funding amounts provided to the Tribes are accurate, fair, equitable and consistent; and
- OIS will send OSG the Social Services and ICWA FEDs for review, concurrence and signature prior to being submitted to BIA Budget for processing;
- OIS will confer with OSG prior to distributing Social Services and ICWA Program Initiative funding increases to the BIA Regions;
- OSG will review and concur with BIA Program Initiative Funding increases for Self-Governance Tribes prior to OIS submitting the FEDs to Budget for processing.

F. Duration

The MOU shall remain in effect until further notice. Any request for modification(s) will be made in writing and mutually agreed to in writing by the delegated representatives of BIA, OIS and OSG.


Each party must respond in writing to a request for modification(s) within thirty (30) days of receipt.

G. Signatures

This MOU becomes effective by signature of both parties.

Signed by:

BIA, Office of Indian Services



 Signature

Spike Bighorn

 Print Name

Acting Director

 Title

7-9-19

 Date

Office of Self-Governance



 Signature

Sharee M. Freeman

 Print Name

Director

 Title

JUL 09 2019

 Date