

FUND DISTRIBUTION PROCESS

Program: Tribal Courts (TPA)

Type of Funding: Recurring (Base) and Recurring (Non-base)

Funding Authority/Responsibility: 25 U.S.C. 1721 et seq. (The Maine Indian Claims Settlement Act of 1980), Pub.L. 96-420; Pub.L. 102-171. 25 U.S.C. 3621 (Indian Tribal Justice Act): 107 Stat. 2004, Pub.L. 103-176, as amended; 114 Stat. 2778, Pub.L. 106-559. 25 U.S.C. 2801 (Tribal Law and Order Act) 124 Stat. 2261, Pub.L. 111-211. 25 U.S.C. 1301 et seq. (Indian Civil Rights Act of 1968), as amended. Most recent amendments included in the Violence Against Women reauthorization Act of 2013 (Pub.L. 113-4).

The Deputy Bureau Director, Office of Justice Services has responsibility for these funds.

Criteria for Distribution:

Recurring funding distributions are based upon historical initial base distributions and tribal transfers of funding.

A small portion of Tribal Court (TPA) funds are moved from the budget address directly to the Office of Justice Services, who has authority over the funding and is responsible for coordinating all calculations and distribution to the direct service and tribal programs.

Non-base funding or new base funding increases are calculated and distributed in the manner described below:

Eligibility Criteria for Distribution

- Based on authorizing statutes, generally, a tribal court assessment must be initiated or completed in order for the tribal court program to be considered eligible. Because BIA tribal court funding is so limited, this requirement is designed to ensure program needs are accurately documented, thereby enabling the tribe to prioritize such needs if or when funding becomes available.
- Tribal court assessments are scheduled on a first come – first serve basis, and must be requested in writing via tribal resolution.

TPA SUBACCOUNT- Additional Eligibility Criteria:

- Generally, funds are provided to tribes (based on a request received) with existing Tribal Court contracts or compacts.

TIWAHE SUBACCOUNT- Additional Eligibility Criteria:

- Generally, a tribal court must be have a viable child dependency case load for its particular population and/or work substantially with the State on Indian Child Welfare Act (ICWA)-related court matters.

Calculation Process

TPA SUBACCOUNT - Calculation Process:

- Tribes are required to submit a statement of work and budget for the funding requested. Based on a review of the tribe's submission, and the tribe's court assessment report, Tribal Justice Support (TJS) will verify the current need and appropriate cost for the operational enhancement funded.
- A matrix of all eligible tribes requesting TPA court funding is created and compared against available funds appropriated. If sufficient funding is not available for the year, partial funding of requests could occur.

TIWAHE SUBACCOUNT - Calculation Process:

- Tribes are required to submit a statement of work and budget for the requested funding to enhance their child dependency, ICWA components. Based on a review of the tribe's submission, and the tribe's court assessment report, TJS will verify the current need and appropriate cost for the operational enhancement.
- A matrix of all eligible tribes requesting Tiwahe court funds is created and compared against available funding appropriated. If sufficient funding is not available for the year, partial funding of requests could occur.

Distribution Process:

- OBPM moves all apportioned funds to the high level budget address. (within 5 days)
- Fund Execution Documents (FEDs) are prepared to reallocate funds to the tribal fund center under the appropriate BIA Region or Office of Self-Governance (OSG) tribal fund centers. (within 2 days)
- Regional FED is sent to the Division of Budget Execution for processing out to the regions. (within 3 days)
- OSG FED is sent to OSG for review, approval and forwarding to Division of budget Execution. (within 3 days)
- OSG sends FED to Division of Budget Execution for processing and Budget Execution moves funding to OSG for disbursement. (within 3 days)

Regional Processing:

- Indian Self Determination (ISD) Awarding Official negotiates terms, conditions of award, including payments. They calculate Contract Support Costs and prepare contract award/modifications in PRISM. (within 5 days)
- The ISD Awarding Official prints and mails the award/modification to tribe for review and acceptance. (within 5 days)
- Tribal elected official approves award/modification and returns the documentation to the Region/Agency.
- The ISD Awarding Official executes the award/modification and releases the obligation in PRISM. PRISM interfaces with ASAP and funds are available to tribes. (within 3 days of receipt of signed document)

OSG Processing:

- Once both OSG and OBPM are in agreement with the distribution list, a FED document is sent to OSG for processing. (Within 3 business days.)
- OSG will process the FED, subsequent PR, and obligation of funds within (7 business days.)
- Tribes log into ASAP to draw funds into their account.

In cases where a tribe is funded to host and provide training to other tribes, which is not authorized under the ISDEAA, a grant is obligated directly from our OJS headquarters fund center.