

## FUND DISTRIBUTION PROCESS

**Program:** Tribal Justice Support

**Type of Funding:** Non-Recurring

**Funding Authority/Responsibility:** [25 U.S.C. Sections 3602, 3611, 3612, 3613 and 3621]

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

### **Criteria for Distribution:**

A portion of this funding is used to fund the Office of Tribal Justice Support and commercial contracts to conduct tribal court assessments nationwide.

Remaining funds are calculated and distributed in the manner described below:

### **Eligibility Criteria for Distribution**

Pursuant to 25 U.S.C. Sections 3611 and 3612, the Tribal Justice Support (TJS) Directorate requires a TJS tribal court assessment (25 U.S.C. Section 3612) to be either initiated or completed in order for the tribal court program to be considered eligible for funding. Because BIA tribal court funding is 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. Many of the tribal courts are in the beginning stages and “start-up” cost are often needed in many of the PL 280 jurisdictions.

Tribal court assessments are scheduled on a first come-first serve basis, and must be requested in writing.

#### **VAWA TRAINING SUBACCOUNT- Additional Eligibility Criteria:**

- VAWA training opportunities are restricted to:
  - a) Tribes that submit a written request for this funding.
  - b) Tribes conducting and hosting a VAWA training session – Those Tribes considering implementing VAWA and indicating a need to enhance the core aspects of the domestic violence court component will be considered as well as those Tribes having already implemented VAWA. Those tribal courts instituting VAWA and prosecuting under VAWA will be given preference. Similarly, those tribal courts needing to enhance their domestic violence aspect of their justice system, as well as those tribes implementing VAWA and prosecuting VAWA cases will be considered in the distribution of funds to host and conduct a VAWA 2-3 day training session.
  - c) Individual training attendance - Tribes seeking to create a viable domestic violence core and eventually implement VAWA may be funded to attend VAWA training, but the funding request must be based on need documented in the court assessment.

#### **VAWA IMPLEMENTATION SUBACCOUNT- Additional Eligibility Criteria:**

- VAWA implementation opportunities are restricted to:
  - a) Tribes that submit a written request for this funding.
  - b) The request must be for funding a specific court position or specific court personnel training which would enhance its Domestic Violence Core Component and strengthen implementation of VAWA, if so desired. Specifically, those tribes implementing VAWA

will be given funding priority. These specific positions may include domestic violence prosecutors, public defenders, judges hearing domestic violence cases, victim specialist, pre-trial screening devices, pre-trial officers, clerks dealing with domestic violence cases and data collection - including protective orders.

**P.L. 280 SUBACCOUNT- Additional Eligibility Criteria:**

- Based on appropriations language, P.L. 280 funding opportunities are restricted to:
  - a) The tribe must be subject to Public Law 83-280, either mandatory or optional, in terms of criminal jurisdiction, and have requested or completed a Tribal Justice Support tribal court assessment. Priority will be given to those mandatory PL. 83-280 jurisdictions.
  - b) If emergency funding is requested prior the completion of the tribal court assessment, the tribe must submit a written request identifying the tribal court need, and accompanying supporting documentation identified in the Tribal Justice Support Checklist.
  - c) If the tribe seeks post assessment funding, the tribe must submit a written request identifying the tribal court need, and accompanying supporting documentation identified in the Tribal Justice Support Funding Checklist.
  - d) The tribe remains eligible for annual funding base on the availability of appropriations.

**Calculation Process**

**VAWA TRAINING SUBACCOUNT- Calculation Process:**

- Tribes are required to submit a statement of work, agenda, and a budget. Included in the statement of work are expected number of attendees, and qualifications of the training staff amongst other things. Based on a review of the tribe's submission, and the tribe's court assessment report, the Tribal Justice Support office will ascertain the tribe's capacity to conduct the training, current need for the tribe or area, and appropriate cost for the training.
- As tribes submit VAWA training request, TJS will create a list, and review the training budget to determine the availability of funding. In the event sufficient funding is not available for the year, partial funding of requests could occur.

**VAWA IMPLEMENTATION SUBACCOUNT- Calculation Process:**

- Tribes are required to submit a written request, which identifies the need that would enhance its Domestic Violence Core Component or VAWA based on the recommendations outlined in the tribal court assessment report. Based on a review of the tribe's submission, and the tribe's court assessment report, the Tribal Justice Support will ascertain the tribe's current need for appropriate funding. In the event sufficient funding is not available for the year, partial funding of requests could occur.
- As tribes submit the VAWA training request, TJS will create a list, and review the training budget to determine the availability of funding. In the event sufficient funding is not available for the year, partial funding of requests could occur.

**P.L. 280 SUBACCOUNT- Calculation Process:**

- As required by appropriations language, affected tribes were consulted on the distribution of the PL 280 funds. Based on the consultation, planned amounts were established for different areas of the country and also for funding operational needs which includes court personnel,

court equipment, and court training. Training of court personnel has been identified as the number one priority by the tribes, thus a separate category has been established.

- As tribes submit the PL 280 funding request, TJS will create a list, and review the budget to determine the availability of funding based on the recommendations outlined in the tribal court assessment report. In the event 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 obligate funding. (within 7 business days.)

Tribes log into ASAP to draw funds into their account.