

INDIAN AFFAIRS MANUAL

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Financial Assistance and Social Services Reporting

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1.1 Purpose. This chapter establishes Indian Affairs (IA) policy and procedures for submission of the Financial Assistance and Social Service Report (FASSR), the Request for Additional Funds (RAF), and the required accompanying documentation.

1.2 Scope. This policy applies to:

- Bureau of Indian Affairs (BIA) agencies that provide direct services for welfare assistance;
- BIA and Office of Self-Governance (OSG) officials who process funding requests from: (1) Tribes that receive welfare assistance funding through an Indian Self-Determination and Education Assistance Act (ISDEAA) (Pub. L. 93-638) contract or self-governance annual funding agreement; (2) Tribes that operate a General Assistance program under an approved Indian Employment, Training and Related Services Demonstration Act of 1992 (Pub. L. 102-477) Plan; and (3) Tribes that operate a General Assistance program under an approved Tribal Redesign Plan in accordance with U.S.C. 13(d) and 25 CFR §20.202 to §20.210.

The term “Tribes” is inclusive of Tribal consortia.

1.3 Policy. IA distributes welfare assistance funds to Tribes and BIA agencies based on the approved IA methodology. This methodology is used to facilitate fair and equitable treatment of potential recipients of welfare assistance funds; to address shortfalls in funding; and to avoid the shutdown of one or more welfare assistance programs.

Distributions to Tribes are made in accordance with each Tribe’s self-determination contract or self-governance funding agreement.

The FASSR is required for the welfare assistance program. The FASSR is used to determine the amount of welfare assistance funding to distribute to Tribes and BIA agencies each Fiscal Year (FY)/Calendar Year (CY). It is also used to prepare and submit a RAF.

1.4 Authority.

A. Statutes and Regulations.

- 1) P.L. 93-638, Indian Self-Determination and Education Assistance Act of 1975, as amended (ISDEAA)
- 2) P.L. 102-477, Indian Employment, Training and Related Services Demonstration Act of 1992

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- 3) 25 CFR Part 20, Financial Assistance and Social Services Programs
- 4) 25 U.S.C. §§ 13d, 13d-1, 13d-2, and 13d-3

1.5 Responsibilities.

- A. **Deputy Bureau Director, Office of Indian Services (OIS)** provides direction and support for the execution and coordination of IA's welfare assistance program.
- B. **Chief, Division of Human Services (DHS), OIS** provides monitoring, guidance, technical support and advisory services, including the development of processes and procedures for implementing the welfare assistance program pursuant to governing statutes and policies. The Chief, DHS is also responsible for managing and supporting direct funding and activities related to social services, welfare assistance, and Indian child welfare, in order to promote the safety, financial security, and social health of Indian communities and individual Indian people.
- C. **Director, Office of Self Governance (OSG)** is responsible for implementing Title IV of the ISDEAA (Pub. L. 93-638), as amended, regarding welfare assistance funding. Specifically, the Director is responsible for:
 - 1) annual distribution of the end-of-year FASSR form to self-governance Tribes;
 - 2) providing technical assistance to Tribes for the accurate completion of the FASSR form, including its use in submitting a RAF, and development of documentation/reports/information as needed;
 - 3) collecting and reviewing reports from Tribes, and verifying accuracy and completeness of all reports;
 - 4) certifying and submitting the FASSRs to the DHS, OIS;
 - 5) if applicable, providing a written recommendation via memorandum to the DHS, OIS for all self-governance Tribes that submit a RAF; and,
 - 6) awarding welfare assistance funds in accordance with the methodology and with each Tribe's ISDEAA self-governance annual funding agreement.
- D. **Chief, Division of Workforce Development (DWD), OIS** is responsible for implementing Pub. L. 102-477 Agreements (also known as "477 Agreements"), which may include welfare assistance. For welfare assistance funding, the Chief is responsible for:

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- 1) annually distributing the end-of-year FASSR form to Tribes with an approved Pub. L. 102-477 Plan that receive funding through an ISDEAA Title I contract;
 - 2) providing technical assistance for the accurate completion of the FASSR form, including its use in submitting a RAF, and development of documentation/reports/information as needed;
 - 3) collecting and reviewing reports from Tribes, and verifying accuracy and completeness of all reports;
 - 4) certifying and submitting the FASSRs to the DHS, OIS;
 - 5) if applicable, providing a written recommendation via memorandum to the DHS, OIS for all Tribes that submit a Request for Additional Funds; and,
 - 6) awarding welfare assistance funds in accordance with the methodology and each Tribe's ISDEAA Title I Contract.
- E. Regional Directors (RDs)** are responsible for oversight of the BIA regional social workers to ensure that they are providing support and technical assistance to Tribal governments when agency programs are administered under self-determination awards.
- F. Regional Human Services staff** is responsible for oversight of Tribal/agency programs within their region, including:
- 1) annually distributing the end-of-year FASSR form to Tribes and BIA agencies within the region;
 - 2) providing technical assistance for the accurate completion of the FASSR form, including its use in submitting a RAF, and development of documentation/reports/information as needed;
 - 3) collecting and reviewing reports from Tribes and BIA agencies, and verifying accuracy and completeness of all reports;
 - 4) certifying and submitting the FASSRs to the DHS, OIS;
 - 5) if applicable, providing a written recommendation via memorandum to the DHS, OIS for all Tribes that submit a RAF; and,
 - 6) awarding welfare assistance funds in accordance with the methodology and each Tribe's ISDEAA Title I Contract.

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G. BIA Agency Human Services Staff is responsible for gathering the information to complete the FASSR form and any required documentation/reports within the identified timeframe.

1.6 FASSR Requirements. The FASSR form is online at:

<http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm>

A. The FASSR must contain **both a data and a narrative section**. The data section includes allocations, expenditures, and carryover amounts/shortfall information. The narrative section provides the “story” to the data and is an opportunity to inform policy makers of any unique circumstances being faced by the program. Both sections of the FASSR must be filled in and completed. FASSRs that do not include both data and narrative sections are not complete and will not be certified.

B. Certification

To be certified, a FASSR form must:

- 1) Be in the required Microsoft Excel format (handwritten reports will not be accepted) and **contain both a data and a narrative section**.
- 2) Accurately report allocations, expenditures, and carryover amounts/shortfall information. Each Tribe/agency must identify carry-over funds in the narrative portion of the report (as well as in **Column Q** with Amount Allocated) and must identify carryover/shortfalls into the current FY/CY in the data section of the report (**Column R**).
- 3) Be signed by the Tribe/agency representative and the regional social worker (for BIA and ISDEAA Title I contracting Tribes) acknowledging that the information provided in the report is complete and accurate.

C. The Program Component Checklist

All FASSRs must be submitted with an accompanying Program Component Checklist, which must be **completed and signed**. The Program Component Checklist clarifies which Financial Assistance and Social Service Program components each Tribe is operating or receiving, such as:

- 1) whether services are provided via an ISDEAA contract, a P.L. 102-477 plan, or an ISDEAA self-governance funding agreement;
- 2) whether services are received through a BIA regional office or agency; and

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3) which Tribes do not receive welfare assistance funds.

1.7 Welfare Assistance Categories. Welfare assistance is only provided when no comparable financial assistance or social services are available from state, Tribal, county, local or other federal agencies.

IA welfare assistance categories are funded each year at rates established by the Assistant Secretary – Indian Affairs (AS-IA) or the state. These are the current rates and are subject to change:

- Child Assistance (state rate);
- General Assistance (state TANF rate);
- Adult Care Assistance (state rate);
- Burial Assistance rate (a maximum of \$2,500 per burial);
- Emergency Assistance (a maximum of \$1,000 per household); and
- Disaster Assistance and the Tribal Work Experience Program are no longer funded, and welfare assistance funds cannot be used for these purposes.

1.8 Welfare Assistance Distribution Methodology. IA uses the end-of-year FASSR to determine the amount of welfare assistance funding to distribute each new FY/CY to Tribes and BIA agencies.

A. Initial Distribution of Welfare Assistance Funds – Estimated Need

On October 1st, IA uses actual expenditures reported in the end-of-year FASSR for **the last complete year** (which would be two years before the current year), adjusted for carryover to calculate the estimated need for each Tribe and BIA agency. Estimated need is defined as actual prior year expenditures reported on the FASSR, subject to carryover adjustments and fixed amounts for Tribal Redesign Plans for General Assistance consistent with 25 CFR §20.202 to §20.210.

In a FY year when Congress enacts a full year appropriation by October 1, the initial distribution of welfare assistance funds meets 75 percent of a Tribe or BIA agency's estimated need for that year. For example, if a Tribe's estimated need was calculated at \$100,000, the Tribe would receive \$75,000 in the initial distribution.

In a FY in which Congress enacts a continuing resolution(s), DHS distributes welfare assistance funds by prorating the funding based on the calculated 75 percent of a Tribe or BIA agency's estimated need. The BIA regional offices, OSG, and DWD are responsible for allocating funds directly to each BIA agency and each Tribe based on the Tribe's self-determination contract or self-governance funding agreement.

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B. Final Distribution of Welfare Assistance Funds - Actual Need

The final distribution of welfare assistance funds is based on expenditures reported in the FASSR from the previous year. The methodology for the final distribution will use reported *actual expenditures* to adjust the estimated need. The BIA defines the actual need as actual prior year expenditures reported on the FASSR, subject to shortfall *and* carryover adjustments, and to fixed amounts for Tribal Redesign Plans for General Assistance consistent with 25 CFR §20.202 to §20.210.

All Tribes and BIA agencies must submit the completed end-of-previous year FASSR according to the due dates to the appropriate office, either the BIA regional office, OSG, or DWD, to receive a final distribution of current FY welfare assistance funds.

OIS, DHS makes the final distribution of current FY welfare assistance funds to the BIA regional offices, OSG, and DWD no later than June 15th, subject to the availability of appropriations.

C. Statutory Cap

If the annual appropriations act caps the amount of welfare assistance funding that can be distributed and if the national welfare assistance need, as determined by expenditures reported on the end-of-previous year FASSRs, is greater than the capped welfare assistance amount, the following will occur:

Welfare assistance funds will be disbursed pro rata based on the final calculated actual need for all Tribes and BIA agencies operating welfare assistance programs. A pro rata distribution ensures that the total distribution does not exceed the funding amount enacted by Congress.

For example, if the appropriation enacted by Congress is \$74.5 million and the calculated actual need for all Tribal and BIA agencies operating welfare assistance for that FY is \$84.0 million, a pro rata distribution will be made to ensure that the total distribution of funds remains within the funding level of \$74.5 million enacted by Congress. This would result in a pro rata distribution in which each Tribe and BIA agency receives a percentage of its calculated actual need.

D. Due Dates for Tribes and BIA Agencies to submit the FASSR:

FY Tribes/BIA agencies: October 31st

CY Tribes: January 31st

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E. Due dates for BIA regional office, OSG, or DWD to submit the FASSR to OIS, DHS:

For Reports by FY Tribes/BIA agencies: November 30th

For Reports by CY Tribes: March 2nd

1.9 Shortfall of Funding – Request for Additional Funding (RAF).

If a Tribe or BIA agency projects a potential shortfall in welfare assistance funds for the current year and wants to request additional welfare assistance funds, it must coordinate with its BIA regional office, OSG, or DWD to submit a RAF package.

The RAF package must demonstrate how the level of expenditures for the funding year is expected to be greater than the Tribe's or BIA agency's reported expenditures in the previous operating year. For example, if a Tribe operates on a FY and is experiencing a shortfall in FY 2017, it must submit both: 1) a FASSR for FY 2017 showing actual/projected expenditures, and 2) a FASSR for FY 2016 showing actual expenditures. The RAF must show how the Tribe's projected expenditures for FY 2017 are expected to be greater than the expenditures the Tribe reported on its FY 2016 FASSR.

Additionally, the RAF must describe what would happen if the Tribe or BIA agency were to experience a shortfall in funding. Tribes and BIA agencies operating on a FY or CY basis must submit supporting documentation (i.e., financial reports or other budgetary documents) with actual expenditures to support a RAF. Tribes are encouraged to explain how a shortfall in need impacts their programs and community.

The OIS, DHS will provide a copy of the RAF form to the regional offices, OSG, and DWD. Additionally the Tribes and BIA agencies can find a copy of the RAF form online at:

<http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm>

To Support a RAF:

- 1) The request must demonstrate how the level of need has risen from previous years, and describe the effect of a shortfall in funding on the Tribe or BIA agency.
- 2) The request must include **a minimum of four months** of supporting documentation of actual expenditures (i.e., financial reports, FASSRs, or other budgetary documents) for the **current year:**

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- FY tribes must submit actual expenditures from October 20XX to January 20XX.
- CY tribes must submit actual expenditures from January 20XX to April 20XX.

The Tribe/agency must provide sufficient documentation to the respective regional office, OSG, or DWD office to prepare a Justification Memorandum, which will be forwarded to the Chief, DHS, to warrant additional welfare assistance funding. The BIA regional office, OSG, and DWD shall submit the memorandum via email to the DHS.

The written recommendation with the RAF and supporting documentation must be submitted to the DHS by the due date identified below in order for the DHS to consider the RAF before the final distribution of welfare assistance.

- 3) All requests must be received by the OIS, DHS by Close of Business (COB) **no later than May 15th** to ensure consideration before the final distribution of welfare assistance funds. The OIS, DHS will work with the regional office, OSG, or DWD to provide technical assistance to the Tribes and BIA agencies on the submission of the RAF. The final distribution of welfare assistance will occur before June 15th, subject to the availability of appropriations.
- 4) No RAFs will be accepted after the due date and no RAFs will be accepted without an accompanying memorandum from the appropriate regional office, OSG, or DWD.

The DHS will approve or disapprove requests for additional funding based on the information and recommendation of the regional office, OSG, or DWD before the final distribution of welfare assistance funds is determined. Approval of the RAF does not guarantee the requested increase in funding. If a Tribe or BIA agency's RAF is approved and the need is adjusted to the higher level requested, the Tribe or BIA agency request is still subject to a pro rata distribution (if applicable).

1.10 Limitations.

- Financial Assistance and Social Services Programs are subject to annual Congressional appropriations.
- Distribution of welfare assistance funds will *only* be made based on the approved methodology.
- A Tribe's RAF represents a request for increased welfare assistance funding under 25 U.S.C. 5325(b). By statute, such increases are at the discretion of the AS-IA and are subject to the availability of appropriations.
- Congress has historically each FY since 2009 placed a statutory cap on the amount of welfare assistance funding the BIA can distribute to tribes for welfare assistance

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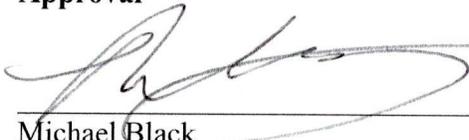
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payments. However, the Appropriations Language has historically provided that, *federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs.*

- The memorandum dated July 13, 1993 and titled “Authorized Use of Welfare Grant Assistance Funds” has been formally rescinded. Specifically, IA is not authorized to reallocate surplus grant assistance funds available in Tribally contracted, compacted, or Bureau-administered programs to other programs when shortfalls occur.

Approval



Michael Black

Director, Bureau of Indian Affairs

11/7/16

Date