Office of the Assistant Secretary, Interior § 1000.170

§ 1000.164 Can a Tribe/Consortium have an AFA without entering into a compact?
Yes, at the Tribe’s/Consortium’s option.

§ 1000.165 Are provisions in compacts negotiated before January 16, 2001, effective after implementation?
(a) Yes, all provisions in compacts that were negotiated with BIA before January 16, 2001, shall remain in effect for BIA programs only after January 16, 2001, provided that each compact contains provisions:
(1) That are authorized by the Tribal Self-Governance Act of 1994;
(2) Are in compliance with other applicable Federal laws; and,
(3) Are consistent with this part.
(b) BIA will notify the Tribe/Consortium in writing when BIA asserts that a provision or provisions of that Tribe/Consortium’s previously negotiated compact is not in compliance with the terms and conditions of this part, BIA and the Tribe/Consortium will renegotiate the provision within 60 days of the Tribe’s/Consortium’s receipt of the notification.
(c) If renegotiation is not successful within 60 days of the notice being provided, BIA’s determination is final for the bureau and enforceability of the provisions shall be subject to the appeals process described in subpart R of this part. Pending a final appeal through the appeals process, BIA’s determination shall be stayed.

Negotiation of Initial Annual Funding Agreements
§ 1000.166 What are the phases of the negotiation process?
There are two phases of the negotiation process:
(a) The information phase; and
(b) The negotiation phase.