§ 1001.5

resubmitted for consideration at any
time.

§ 1001.5 Application review and selec-
tion process for negotiations for
funding agreements.

Upon acceptance into the applicant
pool, the OSG will assign to each tribe
or consortium a ranking relative to
other applicants based upon the date
the OSG receives the complete applica-
tion package. This ranking will con-
stitute a master list that will be main-
tained and updated on a continuous
basis from year to year. When receipt
dates are the same for two or more ap-
lications, several other factors will be
considered in determining the place-
ment of the tribe or consortium on the
list. These factors are identified in pri-
ority order as follows:

(a) Designation by the Congress
through report language that a tribe
should be considered for participation.
These designations will be considered
based upon the actual language of the
report.

(b) Documentation of OSG sanction-
ing of the tribe’s self-governance
planning and subsequent evidence of
actual planning by the tribe.

(c) Submission of a completed plan-
ing or negotiation grant application
in the previous year.

(d) A signed agreement pursuant to
the Indian Health Service (IHS) self-
governance project.

(e) Receipt of a planning grant
awarded by the IHS.

§ 1001.6 Submitting applications.

(a) Applications for inclusion in the
applicant pool will be accepted on an
on-going basis.

(b) Applications may be mailed or
hand-delivered.

(c) Applications for negotiations in
1996 that are mailed must be post-
marked no later than May 16, 1995.

(d) Applications must be sent to: Di-
rector, Office of Self Governance, De-
partment of the Interior, 1849 C Street,
NW., MIB RM/MS–2548, Washington, DC
20240.

§ 1001.7 Availability, amount, and
number of planning and negotiation
grants.

(a) What is the purpose of this sec-
tion? This section describes how to
apply for planning and negotiation
grants authorized by section 402(d) of
the Act to help meet tribal costs in-
curred:

1. In meeting the planning phase re-
quirement of Pub. L. 103–413, including
planning to negotiate non-BIA pro-
grams, services, functions and activi-
ties;

2. In conducting negotiations.

(b) What types of grants are avail-
able? Three categories of grants may
be available:

1. Negotiation grants for tribes/con-
sortia selected from the applicant pool
as described in §1001.5 of these regula-
tions;

2. Planning grants for tribes/con-
sortia requiring advance funding to
meet the planning phase requirement
of Pub. L. 103–413; and

3. Financial assistance for tribes/
consortia to plan for negotiating for
non-BIA programs, services, functions
and activities, as described in §1001.10.

(c) Will grants always be made avail-
able to meet the planning phase re-
quirement as described in section 402(d)
of Pub. L. 103–413? No. Grants to cover
some or all of the planning costs that
a tribe/consortium may incur may be
made available depending upon the
availability of funds appropriated by
Congress. We will publish notice of
availability of grants in the FEDERAL
REGISTER as described in this section.

(d) May a tribe use its own resources
to meet its planning and negotiation
expenses in preparation for entering
into self-governance? Yes. A tribe/con-
sortium may use its own resources to
meet these costs. Receiving a grant is
not necessary to meet the planning
phase requirement of the Act or to ne-
gotiate a compact and annual funding
agreement.

(e) What happens if there are insuffi-
cient funds to meet the anticipated
tribal requests for planning and nego-
tiation grants in any given year? If ap-
propriated funds are available but in-
sufficient to meet the total requests
from tribes/consortia, we will give first
§ 1001.9 Selection criteria for tribes/consortia seeking advance planning grant funding.

(a) Who is eligible to apply for a planning grant that will be awarded before a tribe/consortium is admitted into the applicant pool? Any tribe/consortium that is not a self-governance tribe and needs advance funding in order to complete the planning phase requirement may apply. Tribes/consortia that have received a planning grant within 3 years preceding the date of the latest Federal Register announcement described in §1001.7 are not eligible.

(b) What must a tribe/consortium submit in order to meet the planning phase requirements? A tribe/consortium must submit the following material:

(1) A tribal resolution or other final action of the tribal governing body indicating a desire to plan for tribal self-governance;

(2) Audits from the last 3 years which document that the tribe meets the requirement of being free from any material audit exception;

(3) A proposal that describes the tribe’s/consortium’s plans to conduct:

   (i) Legal and budgetary research, and
   (ii) Internal tribal government and organization planning;

(4) A timeline indicating when planning will start and end; and

(5) Evidence that the tribe/consortium can perform the tasks associated with its proposal (i.e., submit resumes and position descriptions of key staff or consultants to be used).

(c) How will tribes/consortia know when and how to apply for planning grants? Each year, we will publish in the Federal Register a notice of the availability of planning grants for additional tribes as described in §1001.7. This notice will identify the specific details for applying.