

§ 20.705

(b) The Superintendent or his/her designated representative must render a written decision within 10 days of the completion of the hearing. The written decision must include:

(1) A written statement covering the evidence relied upon and reasons for the decision; and

(2) The applicant's or recipient's right to appeal the Superintendent or his/her designated representative's decision pursuant to 25 CFR part 2 and request Bureau assistance in preparation of the appeal.

§ 20.705 Can an applicant or recipient appeal a tribal decision?

Yes, the applicant or recipient must pursue the appeal process applicable to the Public Law 93-638 contract, Public Law 102-477 grant, or Public Law 103-413 self-governance annual funding agreement. If no appeal process exists, then the applicant or recipient must pursue the appeal through the appropriate tribal forum.

PART 21—ARRANGEMENT WITH STATES, TERRITORIES, OR OTHER AGENCIES FOR RELIEF OF DISTRESS AND SOCIAL WELFARE OF INDIANS

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AUTHORITY: Sec. 3, 48 Stat. 596, as amended; 25 U.S.C. 454.

SOURCE: 22 FR 10531, Dec. 24, 1957, unless otherwise noted.

§ 21.1 Commissioner to negotiate contracts.

The Commissioner of Indian Affairs may negotiate with State, territory, county or other Federal welfare agencies for such agencies to provide welfare services as contemplated by the Act of June 4, 1936 (49 Stat. 1458; 25 U.S.C. 452), for Indians residing within

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a particular State within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs.

[29 FR 5828, May 2, 1964]

§ 21.2 Contracts; by whom executed.

All contracts executed for the purposes of § 21.1 shall be signed on behalf of the United States by the Commissioner of Indian Affairs. The proper officer of the State, territory, county or welfare agency shall execute the contract on its behalf. Evidence of the authority of such officer must accompany the contract. All contracts must be executed in quintuplicate. (They shall become effective only after approval by the Secretary of the Interior.)

§ 21.3 State or other contracting agency furnish plan of operation.

A plan executed by the proper State or other agency entering into the contract shall accompany each instrument. This plan shall describe the services and assistance to be rendered under the terms of the contract. It shall include a budget showing the plan of expenditure of the funds to be turned over to the State or other agency. Upon the approval of the contract, no deviation from the plan shall be made unless approved in advance by the Commissioner of Indian Affairs.

§ 21.4 Standards of service.

Standards of aid, care, and service rendered to the Indians under the contracts shall not be less than those standards maintained by the State for other clients requiring similar aid, care and services.

§ 21.5 Personnel.

The personnel employed for public welfare services to Indians under the contract shall be subject to the State merit system and to the approval of the Commissioner of Indian Affairs and the welfare authorities of the State, unless otherwise provided in the contract.

§ 21.6 Financial statement.

Thirty days after the close of each fiscal year, the State or other agency to which funds have been furnished pursuant to the contract shall submit to the Commissioner of Indian Affairs a detailed financial statement showing all expenditures made pursuant to the contract. An explanation shall be contained of any deviation from the plan originally submitted by the agency. The records of the contractor shall be available for inspection by representatives of the Bureau of Indian Affairs.

§ 21.7 Cooperative services.

The Bureau will maintain cooperative services through its superintendents and other personnel to further the purposes of the contract. When mutually agreed to in the contract, the Bureau may maintain on its payroll one or more representatives whose duties shall be described in the contract and the salary and expenses of any such person or persons shall constitute part of the funds to be furnished to the State or other contracting agency.

§ 21.8 Use of Government property and facilities.

The contract shall specify the terms upon which property, other facilities and equipment of the Government may be used by the State or other agency. All contracts which provide for the use of Government automobiles shall require that the particular State or other agency shall be responsible for the return of the equipment in as good condition as when received, excepting usual wear and tear and depreciation and such agency shall be responsible for all damage or injury done to property or persons and shall carry sufficient insurance to cover same and expressly relieve the Government of any and all liability for any such personal injury or property damages committed while such automobile is in the possession of the contracting agency.

§ 21.9 Information collection.

The information collection requirements contained in §§ 21.3 and 21.6 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance numbers 1076-0113 and 1076-0110, respectively.

The information in § 21.3 is being collected to determine how contract funds are utilized. The information will be used to measure performance of the contractor and plan for future contracts. The information in § 21.6 is collected to specify the services or assistance to be rendered and the plan for expenditure of funds to be turned over to the state or agency. The information will be used to determine the adequacy of services and utilization of the budget provided by the contracting agency. Response is required to obtain a benefit.

[53 FR 21994, June 13, 1988]

PART 23—INDIAN CHILD WELFARE ACT

Subpart A—Purpose, Definitions, and Policy

Sec.

- 23.1 Purpose.
- 23.2 Definitions.
- 23.3 Policy.
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Subpart B—Notice of Involuntary Child Custody Proceedings and Payment for Appointed Counsel in State Courts

- 23.11 Notice.
- 23.12 Designated tribal agent for service of notice.
- 23.13 Payment for appointed counsel in involuntary Indian child custody proceedings in state courts.

Subpart C—Grants to Indian Tribes for Title II Indian Child and Family Service Programs

- 23.21 Noncompetitive tribal government grants.
- 23.22 Purpose of tribal government grants.
- 23.23 Tribal government application contents.

Subpart D—Grants to Off-Reservation Indian Organizations for Title II Indian Child and Family Service Programs

- 23.31 Competitive off-reservation grant process.
- 23.32 Purpose of off-reservation grants.
- 23.33 Competitive off-reservation application contents and application selection criteria.
- 23.34 Review and decision on off-reservation applications by Area Director.
- 23.35 Deadline for Central Office action.