

**§ 1000.108**

(c) Self-governance Tribes/Consortia are eligible for funding amounts for new or available programs not previously included in the AFA on the same basis as other Tribes/Consortia.

**§ 1000.108 How are self-governance base budgets established?**

At the request of the Tribe/Consortium, a self-governance base budget identifying each Tribe's funding amount is included in BIA's budget justification for the following year, subject to Congressional appropriation.

**§ 1000.109 How are self-governance base budgets adjusted?**

Self-governance base budgets must be adjusted as follows:

(a) *Congressional action.* (1) Increases/decreases as a result of Congressional appropriations and/or a directive in the statement of managers accompanying a conference report on an appropriations bill or continuing resolution.

(2) General decreases due to Congressional action must be applied consistently to BIA, self-governance Tribes/Consortia, and Tribes/Consortia not participating in self-governance.

(3) General increases due to Congressional appropriations must be applied consistently, except where used to achieve equitable distribution among regions and Tribes.

(4) A Tribe/Consortium will be notified of any decrease and be provided an opportunity to reconcile.

(b) *Mistakes.* If the Tribe/Consortium or the Secretary can identify and document substantive errors in calculations, the parties will renegotiate such amounts and make every effort to correct the errors.

(c) *Mutual agreement.* Both the Tribe/Consortium and the Secretary may agree to renegotiate amounts at any time.

**25 CFR Ch. VI (4-1-12 Edition)**

**Subpart F—Non-BIA Annual Self-Governance Compacts and Funding Agreements**

**PURPOSE**

**§ 1000.120 What is the purpose of this subpart?**

This subpart describes program eligibility, funding, terms, and conditions of AFAs for non-BIA programs.

**§ 1000.121 What is an annual funding agreement for a non-BIA program?**

Annual funding agreements for non-BIA programs are legally binding and mutually enforceable agreements between a bureau and a Tribe/Consortium participating in the self-governance program that contain:

(a) A description of that portion or portions of a bureau program that are to be performed by the Tribe/Consortium; and

(b) Associated funding, terms and conditions under which the Tribe/Consortium will assume a program, or portion of a program.

**ELIGIBILITY**

**§ 1000.122 What non-BIA programs are eligible for inclusion in an annual funding agreement?**

Programs authorized by sections 403(b)(2) and 403(c) of the Act are eligible for inclusion in AFAs. The Secretary will publish annually a list of these programs in accordance with section 405(c)(4).

**§ 1000.123 Are there non-BIA programs for which the Secretary must negotiate for inclusion in an AFA subject to such terms as the parties may negotiate?**

Yes, those programs, or portions thereof, that are eligible for contracting under Pub. L. 93-638.

**§ 1000.124 What programs are included under Section 403(b)(2) of the Act?**

Those programs, or portions thereof, that are eligible for contracting under Pub. L. 93-638.

**§ 1000.125 What programs are included under Section 403(c)?**

Department of the Interior programs of special geographic, historical, or