§ 1000.146 the reallocation of funds with the ex-
ception of construction projects.

§ 1000.146 Can a Tribe/Consortium ne-
gotiate an AFA with a non-BIA bu-
reau for which the performance pe-
riod exceeds one year?
Yes, subject to the terms of the AFA, a
Tribe/Consortium and a non-BIA bu-
reau may agree to provide for the per-
formance under the AFA to extend be-
yond the fiscal year. However, the De-
partment may not obligate funds in ex-
cess and advance of available appro-
priations.

§ 1000.147 Can the terms and condi-
tions in a non-BIA AFA be amended
during the year it is in effect?
Yes, terms and conditions in a non-
BIA AFA may be amended during the
year it is in effect as agreed to by both
the Tribe/Consortium and the Sec-
retary.

§ 1000.148 What happens if an AFA ex-
pires before the effective date of
the successor AFA?
If the effective date of a successor
AFA is not on or before the expiration
of the current AFA, subject to terms
mutually agreed upon by the Tribe/
Consortium and the Department at the
time the current AFA was negotiated
or in a subsequent amendment, the
Tribe/Consortium may continue to
carry out the program authorized
under the AFA to the extent resources
permit. During this extension period,
the current AFA shall remain in effect,
including coverage of the Tribe/Consor-
tium under the Federal Tort Claims
Act (FTCA) 28 U.S.C. 2671–2680 (1994);
and the Tribe/Consortium may use any
funds remaining under the AFA, sav-
ings from other programs or Tribal
funds to carry out the program. Noth-
ing in this section authorizes an AFA
to be continued beyond the completion
of the program authorized under the
AFA or the amended AFA. This section
also does not entitle a Tribe/Consor-
tium to receive, nor does it prevent a
Tribe from receiving, additional fund-
ing under any successor AFA. The suc-
cessor AFA must provide funding to
the Tribe/Consortium at a level nec-
essary for the Tribe/Consortium to per-
form the programs, functions, services,
and activities (PPSA) or portions
thereof for the full period they were or
will be performed.

Subpart G—Negotiation Process
for Annual Funding Agreements

§ 1000.160 What is the purpose of this
subpart?
This subpart provides the process and
timelines for negotiating a self-govern-
ance compact with the Department and
an AFA with any bureau.
(a) For a newly selected or currently
participating Tribe/Consortium negoti-
ating an initial AFA with any bureau,
see §§1000.173 through 1000.179.
(b) For a participating Tribe/Consor-
tium negotiating a successor AFA with
any bureau, see §§1000.180 through
1000.182.

NEGOTIATING A SELF-GOVERNANCE
COMPACT

§ 1000.161 What is a self-governance
compact?
A self-governance compact is an exe-
cuted document that affirms the gov-
ernment-to-government relationship
between a self-governance Tribe and
the United States. The compact differs
from an AFA in that parts of the com-
 pact apply to all bureaus within the
Department of the Interior rather than
a single bureau.

§ 1000.162 What is included in a self-
governance compact?
A model format for self-governance
compacts appears in appendix A. A self-
governance compact should generally
include the following:
(a) The authority and purpose;
(b) Terms, provisions, and conditions
of the compact;
(c) Obligations of the Tribe and the
United States; and
(d) Other provisions.

§ 1000.163 Can a Tribe/Consortium ne-
gotiate other terms and conditions
not contained in the model comp-
pact?
Yes, the Secretary and a self-govern-
ance Tribe/Consortium may negotiate
into the model compact contained in
appendix A additional terms relating