



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 28 2010

Memorandum

To: All Regional Directors
Director, Office of Self-Governance
Director, Office of Indian Energy and Economic Development

Through: Michael S. Black *MSBlack*
Acting Director, Bureau of Indian Affairs

From: *for* Larry Echo Hawk *LEHawk*
Assistant Secretary – Indian Affairs

Subject: Guidance: FY/CY 2011 Welfare Assistance Distribution Methodology

The end-of-year Financial Assistance and Social Service Report (FASSR) is the only report that Bureau of Indian Affairs (BIA) regions, BIA agencies, and tribes operating under Pub. L. 93-638 Contracts, Pub. L. 102-477 Plans, and Self-Governance Funding Agreements are required to submit for the Welfare Assistance Program. The Division of Human Services, Office of Indian Services uses the end-of-year FASSR to determine the amount of Welfare Assistance funding to distribute to tribes and BIA agencies each new fiscal year. The BIA regional offices, Office of Self Governance (OSG), and the Office of Indian Energy and Economic Development (OIEED-477-Office) are responsible for collecting the FASSRs, certifying that the FASSRs are complete, and submitting them to the Division of Human Services. These offices are also responsible for distributing funds to the BIA agencies and tribes based on the approved methodology and supporting documentation provided by the Division of Human Services, tribes and BIA agencies must submit the FY 2010 end-of-year FASSR in order to receive a final distribution of FY 2011 Welfare Assistance Funds.

The Deputy Assistant Secretary - Policy and Economic Development approved and signed the FASSR on February 25, 2009. The same form will be utilized to report 2010 end-of-year Welfare Assistance data. The form is available online at the BIA website's main page at: <http://www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm>

FY 2011 Welfare Assistance Distribution Methodology

First Distribution of Welfare Assistance

At the beginning of FY 2011, the BIA received appropriations pursuant to a continuing resolution. The BIA used actual expenditures reported in the FY 2009 end-of-year FASSR, adjusted for carryover and/or shortfall amounts, and fixed amounts for Tribal Redesign plans to calculate the FY 2011 estimated need for each tribe and BIA agency for the first distribution of Welfare Assistance. The BIA defines the FY 2011 estimated need as actual FY 2009 expenditures, subject to shortfall and carryover adjustments; and fixed amounts for Tribal

Redesign Plans for General Assistance consistent with 25 CFR §20.202 to §20.210. On October 5, 2010 the BIA distributed funds pro rata to meet 14 percent of a tribe or BIA agency's FY 2011 estimated need. If additional continuing resolutions are enacted by the Congress, the BIA will make similar distributions of Welfare Assistance funds to meet up to 75 percent of a tribe or BIA agency's FY 2011 estimated need.

Final Distribution of Welfare Assistance

The final distribution of Welfare Assistance funds will be based on information received in the FY 2010 FASSRs. In order to receive funds in the final distribution, tribes and BIA agencies must submit a FY 2010 end-of-year FASSR by their due dates. The Division of Human Services will be unable to determine the amount for the final distribution of Welfare Assistance funds for tribes or BIA agencies that do not submit the FY 2010 FASSR by their deadline.

The methodology for the final distribution will use 2010 *actual expenditures* reported to adjust the 2011 estimated need to meet the actual need for FY 2011. The final distribution will be subject to shortfall and carryover adjustments, and fixed amounts for Tribal Redesign Plans for General Assistance consistent with 25 CFR §20.202 to §20.210. The Final Distribution is targeted to be made by the Division of Human Services to the BIA regional offices, OSG, and OIEED - 477-Office by May 31, 2011.

Note that the final distribution of Welfare Assistance funds will be pro rata if the total FY 2010 need for all tribes and BIA agencies is greater than the total FY 2011 enacted appropriation for Welfare Assistance. The Congressional appropriation places an annual cap on the level of Welfare Assistance funds to be distributed and mandates that the BIA treat all tribes and BIA agencies equally.

The following Welfare Assistance categories will be funded in FY 2011 at the rate established by the Assistant Secretary – Indian Affairs: child assistance (state rate), general assistance (state Temporary Assistance for Needy Families (TANF) rate), adult care assistance (state rate), burial assistance (maximum of \$2500 for a burial), and emergency assistance (maximum of \$1000 per recipient). The disaster assistance program and the Tribal Work Experience Program (TWEP) are not authorized and will remain unfunded in FY 2011.

Shortfall of Funding

If a tribe or BIA agency experiences a shortfall in Welfare Assistance funds, it must collaborate with its regional office, OSG, or OIEED - 477-Office to submit a request for additional funds. The request must demonstrate how the level of need has risen from previous years and the implications if the tribe or BIA agency were to experience a shortfall in funding. Tribes and BIA agencies must submit supporting documentation (i.e. FASSRs, or other budget documents) for the period from October 2010 to March 2011 by COB on Friday, April 29, 2011 to support their Request for Additional Funds. Tribes operating under a calendar year should also submit supporting documentation for this time period by COB on Friday, April 29, 2011. All tribes and BIA agencies must use the approved *Request for Additional Funds* template (see attachment). The BIA will analyze all requests for additional funds and make a determination for adjustments

by the final distribution of Welfare Assistance. If a tribe or BIA agency submits a request for additional funds, the BIA will consider it; however, increased funding is not guaranteed.

All requests for additional funds must be submitted through the tribe or BIA agency's respective regional office, OSG, or OIEED - 477-Office. All requests must be received by the Office of Indian Services, Division of Human Services by COB on Friday, April 29, 2011. No requests for additional funds will be accepted after April 29, 2011.

Requests can be made to Mr. Kevin Bearquiver, Deputy Bureau Director, Office of Indian Services. This methodology is being utilized in an effort to be fair and equitable to all tribes in the distribution of welfare assistance funds.

All fiscal year tribes and BIA agencies, and calendar year tribes are to submit the 2010 end-of-year FASSR, to either the BIA Regional Office, OSG, or the Office of Indian Energy and Economic Development (P.L. 102-477) (using the approved FASSR Form), by January 31, 2011..

Responsibilities of the BIA Regional Offices, OSG, and Pub. L. 102-477

The BIA regional offices, OSG, and OIEED - 477-Office are to **certify** and **submit** the 2010 end-of-year FASSR for their program's tribes and/or BIA agencies, to the BIA, Division of Human Services, Central Office, by March 2, 2011.

The BIA regional offices, the Office Self Governance (OSG), and the Office of Indian Energy and Economic Development (Pub. L. 102-477), will also be responsible for:

1. Distributing the BIA 2010 End-of-Year FASSR form to tribes and agencies;
2. Providing technical assistance to tribes and agencies for the accurate completion of reports, using the BIA FASSR form;
3. Collecting reports from tribes and BIA agencies within their region or program;
4. Verifying *accuracy* and certifying the *completion* of all reports.

A FASSR form can be certified as complete when:

- a. The report is in the required Microsoft Excel format (handwritten reports *will not be accepted* by the Division of Human Services.)
- b. The report is electronically signed by an agency representative and/or tribal representative. An electronic signature is an electronic acknowledgement by the tribal representative or agency representative that certifies the information submitted on the FASSR to the respective regional office, OSG, or OIEED - 477-Office is complete and accurate. All FASSRs must be signed electronically by all tribes and BIA agencies before submission.

- c. The report contains both the data and narrative sections of the form. Reports that do not include a narrative will not be considered complete. The narrative section of the report provides the “story” to the data.
 - d. The allocations, expenditures, and carryover amounts/shortfall information reported are accurate. Each tribe and agency must identify carryover funds into FY 2010 or previous year(s) in the narrative portion of its report as well as in Column Q with Amount Allocated. Carryover/shortfalls into FY 2011 should be identified in the data section of the FASSR (Column R).
5. The BIA Regional Social Worker, OSG, or OIEED - 477 - Office Representative will be responsible for submitting all certified tribal and BIA agency reports electronically via email to Ms. Sue V. Settles, Chief, Division of Human Services at sue.settles@bia.gov; and
 6. The BIA Regional Social Worker, OSG, or OIEED - 477 Office Representative will be responsible for submitting a Program Component Checklist.

The Program Component Checklist is designed to: 1) show what Financial Assistance and Social Service Program components each tribe is receiving; 2) whether each tribe receives the services through a Pub. L. 102-477 plan, a Pub. L. 93-638 contract, the Office of Self-Governance (OSG) and/or through a BIA regional office or agency; and 3) what tribes do not receive Welfare Assistance funds. The Program Component Checklist must be completed, signed, and submitted along with the FASSRs by each program.

Please note the BIA regional offices, the OSG, and the OIEED - 477-Office will not be responsible for consolidating their program reports into one document. The Division of Human Services will be responsible for consolidating the reports electronically to facilitate analysis.

If you have any questions, contact Ms. Sue Settles at (202) 513-7621.

Attachments:

1A Shortfall of Funding Template

ATTACHMENT: TEMPLATE – REQUEST FOR ADDITIONAL FUNDS

**[Insert Date Here]*

Memorandum

To: Kevin Bearquiver, Deputy Bureau Director
Office of Indian Services

From: *[Insert Name], [Insert one of the following: Regional Director, Director, Office of Self-Governance, or Director, Office of Indian Energy and Economic Development]
[Insert Name of Region; or Office (OIEED or OSG)]*

Subject: Request for Additional Welfare Assistance Funds

The *[Insert Name of Region or OSG, or 477-Office]* requests Additional FY 2011 Welfare Assistance funds in the amount of *[Insert the Total Requested Amount]*, on behalf of *[Name of Tribe]*. ***In support of this request, provide the following information with supporting documentation***

- (1) Explain why the tribe is requesting additional funding, i.e. increase in client case load from previous Fiscal Year; identify barriers or obstacles the tribe is facing that has resulted in the need for additional funding; identify shortfall from previous year;
- (2) Briefly explain the implications to Welfare Assistance clients without additional Welfare Assistance funds;
- (3) Attach supporting financial documentation to justify request for additional funding, *i.e. RDO runs, FASSRs, or other budget documents.*

Please contact *[Insert Name of Regional Contact]* if you have any questions about this request. *He/She* can be reached at *[Insert Phone Number of Regional Contact or OSG/477-Office Contact]*.

Your prompt attention to this request is greatly appreciated.

All Requests for Additional Funds must be received by the Division of Human Services, Washington DC by April 29, 2011