

Tribal Self-Governance Definitions

For the purpose of this document, the following definitions will apply. It should be noted that in other contexts, the federal view of these definitions may differ. However, the following terms have historically been the accepted terminology utilized by both the Federal side and the Tribal side in conducting Self-Governance negotiations.

Annual Funding Agreement. An agreement negotiated and signed each year between an individual tribe and a federal government entity such as the BIA or the IHS. This agreement sets for the programs, services, functions, activities or portions thereof, to be transferred by the tribe and their levels of funding and the programs to be retained by the Government. The roles and responsibilities of each entity are outlined in the AFA.

Compact. An executed document based on the government to government relationship of Indian Tribes and the federal government that sets forth the terms and conditions of the self-governance relationship between the tribe and a particular federal governmental entity.

Program Funds. Funds allocated for programs generally operated at the BIA Agency or IHS Service Unit level. Program funds are utilized to provide services to Tribes and eligible American Indian recipients.

Program Funding Methodology. The formula/methodology that the BIA or IHS uses to determine the amount of funding a tribe receives to provide services under a Self-Governance Compact or a P.L. 93-638 Contract. This methodology is generally based on criteria that are relevant to the program such as tribal population and acres of land.

Residual. The amount of funds necessary to maintain those activities which, by law, must be carried out by Federal officials. Residual is used for calculating theoretical Tribal shares if all Tribes were to compact or contract for all programs, services, functions or activities.

Inherent Federal Function. Those programs, service, functions, activities or portions thereof, a federal official as determined by treaty, legislation, executive order, or other legal instrument must carry that out.

Tribal Share. The proportionate share of IHS or BIA administrative funds associated with each federal Program. These funds are commonly held at the Agency, Area and Central Office level for BIA; and, the Service Unit, Area, or Headquarters level for IHS. Administrative dollars represent program, service, function or activities that are not residual and that a Tribe is entitled to receive under a Self-Governance Compact.

Tribal Share Methodology. The allocation formula that is used to calculate a Tribe's or Tribal Organization's share of a program, service, function, activity or portion thereof, for BIA or IHS administrative dollars.

Retrocession. The voluntary return of a program operated under an AFA by a Tribe to the federal government before the agreement expires.

Retained Tribal Share. Those funds that are available as a Tribal share but determined by the Tribe under the AFA to be left with the federal agency to administer.