

<p><b>COMMUNITY SERVICES BLOCK GRANT PROGRAM</b></p> <p>Information Memorandum</p>	<p><b>U.S. Department of Health and Human Services Administration for Children and Families Office of Community Services Division of State Assistance 370 L'Enfant Promenade, S.W. Washington, D.C. 20447</b></p> <p><a href="http://www.acf.hhs.gov/programs/ocs/csbg">http://www.acf.hhs.gov/programs/ocs/csbg</a></p>
<p><b>Transmittal No: 130</b></p>	<p><b>Date: June 6, 2013</b></p>

**TO:** Indian Tribes, Tribal Organizations, States and CSBG Contacts

**SUBJECT:** How Direct Community Services Block Grant (CSBG) Funding is Developed for New Tribes, Including the Process, Expectations, Requirements and Information on the Purpose of the **Encouraged** Negotiations Between States and Tribes or Tribal Organizations on Population Figures.

**RELATED REFERENCES:** CSBG Act, 42 U.S.C. 9901 et seq; Block Grant Regulations, 45 CF.R. Part 96.

**PURPOSE:** Describe how direct CSBG funding is developed for new Tribes, including the process, expectations, requirements and information on the purpose of the **encouraged** negotiations between States and Tribes or Tribal Organizations on population figures.

**BACKGROUND:** Section 677(a)-(c) of the CSBG Act, 42 U.S.C. 9911(a)-(c) provides:

***SEC. 677. PAYMENTS TO INDIAN TRIBES***

*(a) RESERVATION.—If, with respect to any State, the Secretary—*

*(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and*

*(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle, the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).*

*(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance through a community services block grant made under this subtitle in such State.*

*(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the*

*Indian tribe or tribal organization serving the individuals for whom such a determination has been made.*

### **General Determination**

According to 45 C.F.R. 96.41(a), "the Department has determined that Indian tribes and tribal organizations would be better served by means of grants provided directly by the Department to such tribes and organizations out of the State's allotment of block grant funds than if the State were awarded its entire allotment." Accordingly, where provided for by statute, the Department will, upon request of an eligible Indian tribe or tribal organization, reserve a portion of a State's allotment and, upon receipt of the complete application and related submission that meets statutory requirements, grant it directly to the tribe or organization. Per 45 C.F.R. 96.41(b), "an Indian tribe or tribal organization may request direct funding under a block grant program included in this subpart regardless of whether the State in which it is located is receiving funds under the block grant program."

### **Direct Funding Under the Community Services Block Grant**

All Tribes and Tribal Organizations must be recognized as a State or Federally-recognized tribe in order to receive CSBG funding. *Federally-recognized* tribes are those Indian tribes recognized by the United States Bureau of Indian Affairs. *State-recognized* tribes are Native American Indian Tribes that are recognized by individual States for their various internal governmental purposes. "State recognition" confers limited benefits under federal law and is not the same as federal recognition, which is the federal government's acknowledgement of a Tribe as a sovereign nation. These Tribes are able to receive direct funding from the federal government. Therefore, they can directly apply for the CSBG.

### **General Procedures and Requirements**

45 C.F.R. 96.42(c) provides:

If an Indian tribe or tribal organization whose service population resides in more than one State applies for block grant funds that, by statute, are apportioned on the basis of population, the allotment awarded to the tribe or organization shall be taken from the allotments of the various States in which the service population resides in proportion to the number of eligible members or households to be served in each State.

### **Recommendations**

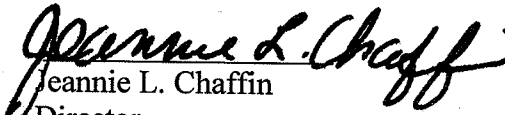
Newly funded State or Federally-recognized Tribes should provide population numbers for funding purposes. The State and Tribe are encouraged to agree on the population numbers since the Tribe's allocation will come directly out of the State's CSBG award.

Based on the allotment and payments to States in general, Tribal allocations are based on the FY 1981 statistics or the same used for States. The allocation for each Tribe and Tribal organization is based on the population figures from the

1981 Census barring an agreement between the State and Tribe about population figures. Because of the outdated Census information, the Office of Community Services, in its CSBG program, **encourages** the two parties to come together to negotiate and agree on current population figures.

The negotiated agreement between the respective State and Tribe should then be submitted in writing to the designated Office of Community Services/Division of State Assistance assigned regional CSBG Program Specialist. Once this agreement is submitted, the Administration for Children and Families, Office of Mandatory Grants will appropriately award the Tribe for the upcoming fiscal year.

Inquiries should be directed to the appropriate CSBG regional Program Specialist. Contact information is available on the following web address: <http://www.acf.hhs.gov/programs/ocs/csbg/aboutus/staffassignments.html>

  
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