

***Tribal Grants Memorandum of Agreement**

The purpose of this Memorandum of Agreement (MOA) is to describe the respective roles of External Affairs Native American Liaisons (NAL) and the Federal Assistance (FA) staffs in administration of the Tribal Landowner Incentive Program (TLIP) and Tribal Wildlife Grants (TWG, part of the State and Tribal Wildlife Grants Program). The NAL has the lead on these grant programs, including the development and issuance of regulations and implementation guidance. FA provides administrative support and will use up to 2% of the Federal Tribal Program budget for these administrative costs.

This MOA contains the minimum acceptable level for grant administration responsibilities for both grant programs to meet legal requirements. The listed activities, to be accomplished either directly or through others, must be documented in the grant file to ensure compliance with audit requirements. In addition, both Divisions will mutually coordinate and communicate information that affects the grant programs, including schedules, workshops, policies, and other issues.

Section A. Native American Liaison (External Affairs) Responsibilities

1. Announce all Requests for Proposals in “fedgrants.gov” when required. Coordinate with appropriate FA contact to ensure electronic application is available. Develop all grant application guidance, information kits, and the scoring/selection process. Serve as the primary contact for tribal grantees and applicants.
2. Make all programmatic determinations for eligibility and compliance with programmatic regulations and guidelines (including 43 CFR 12.52 and 12.60).
3. Establish the process for evaluation, scoring, and selecting grant proposals for awards (commitment of funding) and determine award amounts. If award amount is less than the request, the NAL must contact the applicant or grantee and have the grant proposal and grant agreement adjusted in writing to accurately reflect what is to be accomplished with the funds provided.
4. Review and document the grant proposal and draft grant agreement for compliance with all federal requirements (see attachment A) and approve through transmittal of a grant checklist (Attachment B) the following grant documents or requests. Specific Regional processes for approvals vary and should be coordinated and delegated by the Regional Directors.
 - a. Grant Proposal (AFA) – the narrative description of proposed activities;
 - b. Grant Agreement (GA) – funds to be obligated

- c. Amendments to AFA and GA – requested changes to approved projects and performance report date extensions;
 - d. Advance Payments (through the appropriate FA fiscal contact) – up to 25 percent of the federal share to the grantee; and
 - e. Performance Reports and Grant Close Out – interim and final performance reports and entry of performance data into the Federal Assistance Information Management System (FAIMS). Monitor report submissions to avoid delinquent reports.
5. Deliver reviewed and approved AFA and/or GA to the FA Regional Chief for signature and approval for obligation of funds.
 6. Implement a monitoring program through site visits and fiscal reviews as necessary.
 7. Maintain related administrative records as required by Fish and Wildlife Service Manual 233 FW 2, and the National Archives and Records Administration (<http://archive.gov>). Administrative records should include general correspondence, phone call records, requests of due date extensions, etc., in addition to copies of official grant documents.
 8. Function as the primary point of contact for audits of TLIP and TWG grants along with key FA representative.
 9. Communicate audit findings related to internal controls, noncompliance, and fiscal issues to FA, and coordinate with grantees to ensure that audit findings are corrected in a timely manner.
 10. Ensure awardees have the necessary accounts established to receive funds (Employee Identification Number (EIN) #, Data Universal Numbering System (DUNS) #, etc.).
 11. Ensure grantees are registered with the Business Partners Network (BPN).
 12. Provide property disposition guidance to grantee.
 13. Send grant closeout correspondence to grantee which confirms all fiscal and reporting requirements have been met.
 14. Forward copies of any documentation related to items 1-15 above in a timely manner to FA.

Section B. FA Responsibilities - Fiscal Support @ 2% level:

1. Application. Coordinate with the NAL to ensure electronic application is available on “www.grants.gov/apply” when appropriate, and that compliances are completed in accordance with Attachment A.
2. Review fiscal section of grant documents:
 - a. Enter all costs in FAIMS and assign grant number;
 - b. Ensure initial financial information on the AFA and GA forms is correct, there are sufficient funds in BAS, and costs are sufficiently described in the grant to determine allowability;
 - c. Recommend action based on fiscal section review: approval, modification or disapproval of the AFA and/or GA to the NAL; and
 - d. Work with NAL to ensure that the transmittal checklist – attachment B is complete.
 - e. When completed transmittal checklist for each grant is received from the NAL, obtain Regional FA Chief’s signature to approve GA and obligate funds.
 - f. Monitor payments, reimbursements, and draw-downs of funds awarded to the Tribes:
 - g. Assure grantees receive reimbursements in a timely manner through utilization of the Health & Human Services (HHS) Payment Management System (PMS) SMARTLINK;
 - h. Process appropriate advance payment requests of up to 25 percent of Federal share, and monitor these draw-downs through HHS; and
 - i. Resolve problems with payments and prepare reconciliation reports.
3. Monitor and track awards through FAIMS
 - a. Track grant obligations and payments and advise the Tribal Liaison of potential reversions and other concerns;
 - b. Analyze funds awarded to prevent incurring obligations that would exceed appropriations;

- c. Assist grantee in obtaining financial reports through iFAIMS and when necessary, provide Internet accessible reports showing balances by sub-accounts (if appropriate) and by grant numbers;
 - d. Monitor disbursements to HHS to ensure grantees are being appropriately reimbursed and discrepancies resolved;
 - e. Ensure consistent balances by monthly reconciling FAIMS with HHS payments and with Federal Financial System data;
 - f. Monitor and approve interim fiscal reports; and
 - g. Provide data security and integrity for grantee authorization and payment data
4. Close out grants
- a. Approve SF 269 interim and final fiscal reports; verify the final payment or draw-down with the grantee;
 - b. Ensure accurate final financial reporting of grant costs. Verify financial data of Tribal grantee, FFS, HHS, and FAIMS are in agreement and any discrepancy is reconciled or corrected prior to FA closeout of grants;
 - c. Advise NAL of problems in reporting and crediting program income and in-kind match; and
 - d. Recover unused funds for further program allocation.
5. Maintain grant files.
- a. Maintain the official grant file, documents and supporting documentation as required by 43 CFR 12, OMB Circular 102, and the National Archives and Records Administration (<http://.archive.gov>).
 - b. After grant closeout, return the official grant file to the NAL.

Section C. FA Coordination Responsibilities

It is the responsibility of FA Regional staff, as directed by the Regional FA Chief, to assist the Native American Liaisons in a cooperative, consultative manner for all items found in Sections A and B above to afford grant compliance for the Tribal portions of the Landowner Incentive Program and the State and Tribal Wildlife Grants Program.

This agreement, to be carried out at the Regional level, is in effect until further notice by either of the Assistant Directors (AD)s listed below or by letter to the ADs from a Service Regional Director.

Thomas O. Melius
AD External Affairs

February 9, 2004
Date

Paul R. Schmidt
AD Migratory Birds and State Programs

February 9, 2004
Date

Attachment A

Grant Compliance and Administrative Requirements

OMB Circular A-87, Cost Principles for State, Local and Tribal Governments

OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments (Common Rule)

OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

43 CFR Part 12, Administrative and Audit Requirements and Cost Principles for Assistance Programs

Section 7 of the Endangered Species Act

National Environmental Policy Act

Section 106 of the National Historic Preservation Act

Section 504 of the 1973 Rehabilitation Act

EO 11990 Protection of Wetlands

EO 11988 Floodplain Management

EO 12962 Recreational Fisheries

EO 13112 Invasive Species

EO 12898 Environmental Justice.

Attachment B

Document Compliance Check List

(To Be Added)