

DOI SELF-GOVERNANCE ADVISORY COMMITTEE
c/o Self-Governance Communication and Education
314 W. 14th Place, Tulsa, OK 74119
Telephone (918) 302-0252 ~ Facsimile (918) 423-7639 ~ Website: www.tribalselfgov.org

Sent electronically anita.personius@bia.gov

July 13, 2020

The Honorable Tara MacLean Sweeney
Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Mail Stop 4660
Washington, DC 20240

Re: SGAC Phase I Recommendations on BIA Program Formulas

Dear Assistant Secretary Sweeney:

On behalf of the Department of the Interior Self-Governance Advisory Committee (SGAC), we write to provide our formal recommendations on key formulas and programs under Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA). These recommendations have been developed as a result of a long-term effort and significant work conducted under a Joint Tribal/Federal Workgroup, entitled “Program Formula Matrix Workgroup”.

Originally formed in 2011, the Workgroup developed and published a program formula matrix outlining the issues and proposed recommendations on the following:

- How BIA funds are being distributed;
- Identify areas where the formulas and methodologies currently used by the BIA for distribution can be improved and provide recommendations;
- Confirm that Self Governance Tribes are being properly included in the formulas; and,
- Ensure that Self Governance Tribes are being treated equally as the rest of the Tribes.

Unfortunately, although the recommendations were supported by the Office of Self-Governance (OSG), many of the Workgroup recommendations were not acted upon or implemented within BIA.

In 2017, the Office of Inspector General (OIG) published a report focused on the “*distributions of funds to Title IV Tribes, examining the accuracy of the distributions, how the Office of Self Governance maintained Tribal records, and the internal controls present.*” Several of the findings and recommendations in the OIG report correlated to many of the recommendations previously developed by the Program Formula Matrix Workgroup. Specifically, the OIG report included the following:

- OIG Recommendation #1: We recommend that AS-IA: Direct the Office of Self Governance to work with tribes to track the components of the **Consolidated Tribal Government Program (CTGP) funding** and publish these individual amounts each year in the BIA's Budget Justifications.

- **OIG Recommendation # 2:** We recommend that AS-IA: Direct the Office of Self Governance to determine "**appropriate levels**" of Child Welfare and Social Services program funding that should have appeared in the FY 2014 Budget Justifications.
- **OIG Recommendation # 3:** Not applicable.
- **OIG Recommendation #4:** We recommend that AS-IA: Direct the Office of Self Governance to determine the **actual funding levels of individual tribal programs** and report them annually in the Budget Justifications.

As a result of the OIG Report Recommendations combined with the previous work developed by the Program Formula Matrix Workgroup, the SGAC established the formation of a new Joint Tribal/Federal Workgroup in 2018 to update the issues and recommendations included in the original program formula matrix report.

The new Workgroup divided their work into two phases¹ and spent significant time and resources to thoroughly engage with OSG staff and relevant BIA Program Directors to develop an updated analysis, evaluate various options and then propose recommendations for action. Phase I of the Workgroup was completed, and consensus was reached on the recommendations. These recommendations were then presented at the 2019 Annual Self-Governance Conference. A post-conference presentation and discussion with the SGAC leadership followed in April 2019.

Based on the further input received by Tribal leaders and representatives, the SGAC is formally transmitting the following recommendations to you and urges your immediate attention and action:

Tribal Priority Allocation (TPA) Issues:

1. **TPA Allocation:** Implement a prorated allocation of Congressional increases and decreases to individual program lines for previous years. In future years, Congressional increases and decreases would be posted to the individual program lines.
2. **Pay Costs:** Continue to submit one salary amount for the calculation of the pay costs allocation. OSG staff would then be required to manually or electronically perform the annual function of prorating pay cost to individual programs.
3. **Consolidated Tribal Government Program (CTGP):** Zero out the CTGP line item and breakout the program amounts to the actual program line item. It should be noted that Tribal budgets may still be consolidated as determined by Tribal priorities within the legal authorities of Self- Governance.
4. **Aid to Tribal Governments (ATG) and Other Aid to Tribal Governments (OATG):** Breakout into individual program line items **ONLY** program amounts, not "true" ATG funds which would remain in that account.

¹ Phase I includes those programs listed in this letter which correlate to the OIG report. Phase II is other BIA programs (*work in process*).

5. Self-Governance Database (SGDB):

- **Update:** Request an upgrade to the SGDB which would allow electronic calculations.
- **Funding:** The Department should utilize other sources of funding rather than program or OSG funds to support the SGDB system.

Pay Costs Allocation Issues:

1. **Data call schedule:** The Workgroup suggests making the data call in October of each year to provide additional time to submit data.
2. **Regional deadlines:**
 - Office of Budget and Performance Management (OBPM) (Indian Affairs Budget Office) should consider establishing a standard deadline for all regions.
 - OBPM (Indian Affairs Budget Office) should consider ensuring consistent information is provided to all Tribes across the regions to include guidance, timeframes, and methodologies for the data collection.
3. **Instructions:** OBPM (Indian Affairs Budget Office) should consider including additional instructions regarding Self-Governance Tribes.
4. **No Tribal data reported:** Implementing the recommendations above would better accommodate Tribal submissions. However, if Tribes do not submit data there should be a consistent process applied across regions to ensure equitable treatment.
5. **Base threshold comparison:** OBPM (Indian Affairs Budget Office) should include law enforcement funds and any other eligible recurring program with the “total base amount” for the threshold comparison.

We strongly believe that implementation within Indian Affairs of these actions will address and resolve many of the findings identified in the OIG Report and will ensure the fair treatment of Self-Governance Tribes. We urge your serious consideration of these recommendations. Please do not hesitate to contact me at 206-369-6699 or via email at ralen@jamestowntribe.org if you have any questions or would like to discuss this letter further. Thank you.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe
Chairman, Self-Governance Advisory Committee

cc: Sharee Freeman, Director, Office of Self-Governance
Mark Antonio Cruz, DAS, Policy and Economic Development, AS-IA, DOI
Jessie Young, Senior Counselor, Office of AS-IA, DOI
SGAC and DOI Self-Governance Tribes