

**Overview of Costs and Benefits  
Self-Governance Demonstration Project  
From a Tribal and BIA Perspective  
After the First Year of Operation**

**Ken Reinfeld  
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**Summary of Responses**

**Compact Tribes**

The first seven tribes who operated compacts under the Tribal Self Governance Demonstration Project as authorized by Title III of P.L. 100-472 (Absentee Shawnee, Cherokee of Oklahoma, Hoopa, Jamestown-S'Klallam, Lummi, Mille Lacs, and Quinault) were asked to respond to questions relating to their first year of operations. These questions related to the status of their baseline measurements and semi-annual reports, the major advantages and disadvantages of the project, reallocations, significant changes made to programs, review of retained BIA programs, and status of the A-128 financial audit. The following is a summary of their replies:

**Status of Baseline Measurements Report:** Five of the tribes have completed the report. Two of the tribes are still in the process of completing the report.

**Status of Semi-Annual Reports:** Two of the tribes have completed both of their semi-annual reports. Five of the tribes are still in the process of completing their semi-annual reports. Of these, two tribes have completed one of the two semi-annual reports required.

**Major Advantages and Disadvantages:** The major advantages most often identified by the tribes include their greater ability to address local needs, problems, and circumstances; greater local control and input in program budgeting; greater tribal flexibility; greater tribal managerial control; greatly reduced paperwork; greatly reduced administrative workloads and required monitoring; establishment of more efficient internal tribal systems; and better communication.

The major disadvantage most often identified by the tribes include continued problems with the BIA. Other major disadvantages most often identified by the tribes include lack of a waiver process being implemented and difficulties in the negotiation process (including lack of budget information) and transition period to self governance.

**Reallocations:** Two of the tribes did not make any major reallocation of the funds they received under the compact. One of the tribes made only one major reallocation while four of the tribes made more than one major reallocation. Four tribes

reallocated their funds to law enforcement. Two tribes reallocated their funds to education, economic development, and youth programs.

**Significant Program Changes:** Two of the tribes did not identify any significant program changes. Four of the tribes focused efforts on strengthening tribal internal systems and processes. Two tribes made significant program changes in education, economic development, environmental protection, and judicial services.

**Review of Retained BIA Programs:** No joint review of programs retained by BIA were undertaken.

**Status of A-128 Financial Audits:** Four audits were completed, two audits were in progress, and one audit had not yet begun.

### BIA Area Offices

Those BIA area offices having tribes who operated compacts under the Tribal Self Governance Demonstration Project as authorized by Title III of P.L. 100-472 (Anadarko, Minneapolis, Muskogee, Portland, and Sacramento) were asked to respond to questions relating to their experiences during the first year of tribal compact activity. These questions related to the status of their baseline measurements and semi-annual reports, the major advantages and disadvantages of the project, review of BIA programs retained, and time spent on the compacts of the first year tribes. The following is a summary of their replies:

**Status of Baseline Measurements Report:** Three of the BIA area offices had completed their baseline measurements report. Two of the BIA area offices did not acknowledge their responsibility to write a baseline measurements report (one indicating that the tribe submitted the baseline measurements report and the other indicating that it requested one from the Office of Self Governance).

**Status of Semi-Annual Reports:** Three of the BIA area offices were in the process of completing the semi-annual reports. Two of the BIA area offices had completed only one of the required reports. Two of the BIA offices did not acknowledge their responsibility to write semi-annual reports (one indicating that the tribe submitted the semi-annual reports and one indicating that it requested the semi-annual reports from the Office of Self Governance).

**Major Advantages and Disadvantages:** The major advantages most often identified by the BIA area offices include the increase in understanding gained from the overall negotiations; more control of programs by tribes; and the greater flexibility provided to tribes.

The major disadvantages most often identified by the BIA area offices include the increased workload associated with the compacts and no funding to compensate for this increased workload. Less tribal accountability as well as less communication, direction, and

coordination were other major disadvantages identified by more than one BIA area office.

**Review of Retained BIA Programs:** No joint review of programs retained by BIA were undertaken.

**Time Spent on Compacts:** All five of the BIA area offices indicated that they experienced an increased workload. Four of the five BIA area offices spent 1,000 hours or more on the compacts in FY 1991.

## TRIBAL RESPONSES

1. What is the status of your baseline measurements report for the period ending September 30, 1991?

### Absentee Shawnee

The Absentee Shawnee Tribe selected the calendar year methodology for its self governance demonstration project. Therefore, its baseline measures report ended on December 31, 1991. The report was compiled and submitted to the Office of Self Governance and the Anadarko Area Office on January 17, 1992.

### Cherokee

It was completed December, 1990 and revised March, 1991.

### Hoopla

Hoopla completed its baseline measurements report during fiscal year 1991. The baseline measurements report is a snapshot to provide the tribe and BIA a reference point for evaluating the advantages and disadvantages of the Tribal Self Governance Demonstration Project. To help monitor continual evolution of the project, the tribe has also developed internal procedures for updating its expectations, progress and to identify problem areas of each of its programs. This process allows the tribal council and administration to continually measure self governance activities and to help identify problem areas and obstacles within tribal operations.

### Jamestown-S'Klallam

The baseline measurements and semi-annual reports will be combined into an annual report due to time constraints. A final draft will be submitted by March 20, 1992.

### Lummi

The baseline measurements report was completed and submitted to the Office of Self Governance.

### Mille Lacs

The baseline measurements report has not yet been done. There is a problem in interpreting terms.

### Quinault

The baseline measurements report was completed and provided to the Office of Self Governance.

2. What is the status of your semi-annual reports for the period ending September 30, 1991?

#### Absentee Shawnee

The Absentee Shawnee Tribe had successfully contracted for all functions of the Shawnee Agency prior to its participation in self governance. During negotiations, the tribe successfully established that its baseline measures at the initiation of self governance operations were those achievements shown in each self determination contract. From that point, our achievements were monitored and reported as a part of the tribe's semi-annual reports previously submitted.

#### Cherokee

Semi-annual reports were filed December, 1990; July, 1991; and February, 1992.

#### Hoopa

The semi-annual report for March 31, 1991 was not completed. The report for the period of October 1 to September 30 is being completed in preparation for the annual assessment. Because of the heavier than expected workload on the tribe under self governance, the tribe is assessing methods that would allow more timely participation in the reporting process.

#### Jamestown-S'Klallam

The baseline measurements and semi-annual reports will be combined into an annual report due to time constraints. A final draft will be submitted by March 20, 1992.

#### Lummi

The semi-annual reports were completed and submitted to the Office of Self Governance.

#### Mille Lacs

The semi-annual reports have not yet been done. They are pending.

#### Quinault

A semi-annual report for the period October 1, 1990 to March 31, 1991 was completed and submitted to the Office of Self Governance.

3. During fiscal year 1991, what were the major advantages and disadvantages of the Tribal Self Governance Demonstration Project experienced by your tribe?

## Absentee Shawnee

Programmatically, participation within the self governance project has allowed the tribe to demonstrate that its operation of Bureau programs and functions are more cost effective, more responsive to the needs of its membership, and the additional flexibility in operation of programs results in far greater benefits being realized for the grassroots service recipients as a result of tribal managerial control and redress of local needs.

Financially, participation within the self governance project has resulted in an increase of federal funding through access to dollars previously held sacrosanct by both the Area Office and the Central Office of the Bureau. These dollars are now used to increase service provision to the grassroots level and have resulted in a far greater participation level than ever before realized, either when these same programs were operated by the Bureau or operated under P.L. 93-638 contracting avenues by the tribe itself.

The problems which have been encountered have been mainly isolated to those arising from the negotiation processes with local and Area Bureau officials. The overall attitude of the BIA experienced by the tribe has been as varied as the personalities dealt with.

In general, the more positive attitudes have been displayed by those Bureau personnel holding positions removed from direct influence of the tribe's compact, while those displaying more negative attitudes have been personnel whose positions, income, and responsibilities have been reduced or eliminated by virtue of the tribe's participation in self governance.

While the tribe experienced this variance of attitudes within the Bureau, the tribe has simultaneously experienced a positive upswing in the attitudes of its own tribal personnel.

Perhaps the key motivator causing this positive attitudinal impact on tribal personnel is the ability under self governance to readily redesign, amend, experiment, and respond to changing situations relative to programmatic and budgetary activities undertaken and authorized by the tribal governing body.

As this is the situation, the individual program operator is no longer bound to a given scope of work which, prior to self governance, required approval of changes by the BIA which, in some documented cases, literally took months to achieve. The resulting time lag caused programmatic slippage, financial problems, and the inability to properly respond to the needs of clientele. Under self governance, the program director can identify the costs involved, present a modification to the governing body of the tribe, and receive a decision almost immediately.



Attitudinal improvements are also noted within th membership of the tribe due to the local decision-making ability of the governing body of the tribe. Such local responsiveness to the needs of the membership increases the membership's ability to bring their needs to the attention of the tribe and to have those needs considered by the membership's chosen representatives in a truly democratic way.

### Cherokee

The compact has significantly increased the Cherokee's financial responsibility, reflecting greater tribal responsibility for compact and program administration.

The most important advantage of the project is the assumption of the direct administration of federal responsibilities overall. This reflects at last a mature relationship between the two sovereignties involved, the Cherokee Nation and the United States.

Other advantages include the development of the baseline measures and an evaluation system for testing program performance as well as the implementation of a budget and program decision making system that provides a process to ensure allocating financial resources to the most critical needs.

Although the day to day interface between the Nation and the BIA has not changed dramatically, the administrative workload and required monitoring reports attached to the normal federal control and contract process has been greatly reduced. To the Nation's knowledge, this has not caused any real concern. Program officials have tried to keep the federal officials informed and tried to be responsive to informational requests. The project has greatly reduced voluminous paperwork and has greatly simplified the process without reducing overall accountability for the use of funds to support Indian programs.

The Area Director has been supportive of the philosophy and policy of self governance. Although there have been disagreements from time to time between the BIA and the Nation, the relationship overall has been cooperative. The most difficult concept to understand and accept has been that the role of the Nation changed from being a contractor of federal programs to the Nation becoming the administrator of tribal programs utilizing federal funds within the statutory parameters. It is not suprising that some tribal and federal employees have viewed the programs as federal contracted programs. In time, this attitudinal perception will change or it may become an institutional impediment.

### Hoopa

While the tribe had undergone extensive planning and had developed many internal procedures prior to implementation, during the first year it had to struggle through many of the uncertainties that

naturally resulted from the transition away from federally controlled programs. Although many tribal programs performed functions much like those that were conducted while operated by the BIA, tribal managers became more responsible for their own actions.

The flexibility of self governance solved a major disadvantage of the P.L. 93-638 process in that individual program contracts had the effect of isolating functions to only what was required of them under a scope of work, not necessarily what was best for the tribe. Under P.L. 93-638, program managers were not as involved in how their program activities related to the overall operation of the tribe. Also, because of the closure of P.L. 93-638 contracts on an annual basis, programs had to "dump" funding near the end of the contract year. The flexibility to carry over funds into the next fiscal year has given the tribe the ability to re-assess year-end program activities without the fear of losing funds.

In order to perform independently under self governance, the tribe developed many internal checks and balances that are designed to solve many problems within the operations of the tribe without relying on federal assistance. Over the years, like any bureaucracy, the tribe has established systems that in need of updating. Among other internal measures, the tribe has developed an ongoing internal "self-assessment" process whereby each quarter the administration and each program manager review program progress and identify problem areas that effect the activities of that program. The advantages of self governance includes the ability to change attitudes within the tribe in a manner that allows it to become more pro-active in solving problems and expanding program activities and services.

To date, the most important disadvantages of self governance is the awareness that the tribe does not yet control all the federal programs functions, activities, and services that effect it on a daily basis. These include those of the Indian Health Service, the Bureau of Reclamation, Headstart, HUD block grant, etc. Because the BIA functions are only a percentage of those performed by the tribe, Hoopa will be better able to plan and coordinate tribal services and activities once it controls all funds available to it.

#### **Jamestown-S'Klallam**

Advantages include more flexibility in meeting tribally-specific needs; greater control and input in program budgeting at the local level.

Disadvantages include lack of understanding by BIA and other tribes about the self governance concept. It is time consuming to alleviate fears and misconceptions.



### Lummi

Advantages include: (1) Flexibility to allocate funds according to tribal priorities and needs; (2) Community input and involvement in the tribal decision making processes, particularly the budget process; and (3) Fiscal accountability has improved in that programs and their staff are accountable to the tribal government rather than directly responsible to a federal agency such as BIA.

Disadvantages include: (1) The resistance and inability of the BIA to change; (2) The funding mechanisms and processes are still operating within the same system that the project was intended to change; (3) Inability of the tribe to become actively involved in the planning and budget processes of the BIA. It still seems sometimes that the cart is before the horse; (4) Having to conduct two separate negotiations, one for the direct portion and one for the indirect portion; (5) Each year the tribal negotiations are subject to the manipulation of the BIA budget process without tribal input; and (6) A waiver process has not been implemented. The tribe's single request for waiver took six months to address and ended with a rejection without any suggestions for resolution.

### Mille Lacs

Major advantages include less reporting, less proposal applications, better communication between tribal people, and bypassing the Bureau.

Major disadvantages include the lack of education and support for the project by the other Bands within the Minnesota Chippewa Tribe, the uncertainty associated with the roles and responsibilities of the tribe, state agencies, and federal agencies (including the trust responsibility) when the tribe is involved with environmental projects for example, and the lack of budgetary information available to the tribe (especially the first two years of negotiation).

### Quinault

Major advantages include the following: (1) The tribal budgeting process was expanded and focused; (2) Informal disputes were simply resolved by better communication; (3) Intra-governmental communication within the tribe improved; (4) Program negotiations were completed in a more expedient fashion; (5) A new reporting format and process was developed; (6) A commitment was made to maintain or improve the tribe's record keeping system; (7) Other than the problems which occurred during the first quarter due to the lateness of the federal budget process, funds were received in the front end of the quarter; (8) The business committee has accepted considerably more responsibility and authority under self governance and as a result the tribe is making more governmental decisions; (9) Program managers have become more active

participants in the process; (10) In consultations or joint efforts with the BIA, the tribe is acting more as equals looking for joint solutions and remedies; and (11) Less oversight by the federal bureaucracy allows for greater tribal control and flexibility.

Major disadvantages include the following: (1) Without having final dollar amounts determined prior to the beginning of the fiscal year, Quinault will need to have at least two budgeting sessions; (2) Lack of timely approval of fund distributions by the BIA; (3) Fund distributions and interpretations of Congressional Appropriations were made unilaterally within the BIA without tribal involvement; (4) With no contract support funds being received, Quinault was forced to use other funds (direct, carryover, etc.) to make payment on indirect cost expenditures; (5) Informal disputes occurred relating to the transition to self governance and lack of responsiveness from the BIA; (6) The opportunities for the tribe to participate or even observe meetings (including those of the Self Governance Policy Council) have been unfairly denied; and (7) Inter-governmental communications suffered during the transition.

4. What reallocations has your tribe undertaken during fiscal year 1991?

#### **Absentee Shawnee**

The governing body of the tribe made no major reallocations to funds available under self governance save and except that made in the area of law enforcement services. Under the provisions of self governance, the tribe chose to increase the system of activities by nearly 100% to more adequately protect the lives, property and safety of the membership.

It should be remembered that the Absentee Shawnee Tribe had for years prior to self governance supplemented federal programs with revenues generated by its own sovereign endeavors. The increase of federal funding allowed by self governance has truly made services effective, sometimes in marginal programs as they were operated prior to self governance.

#### **Cherokee**

No significant reallocations were made. Funds previously used to support administrative requirements of BIA are not available for tribal program responsibilities.

#### **Hoopa**

Because of uncertainties in funding levels and problems encountered in getting all the funds to the tribe early in the fiscal year, Hoopa experienced delays in getting the project started. It wasn't until half the year had passed that the tribe actually knew the amount of funds it would be receiving. Therefore, although some

adjustments were made during the year, little reallocation took place in fiscal year 1991. However, as noted above, during the first year transition period the tribe developed many internal procedures, many of which were designed to better control the tribe's financial management system, thereby helping to prevent running into these same delays in future years.

#### Jamestown-S'Klallam

Program dollars were shifted to enhance tribal economic development, cultural preservation, ong-range planning, natural resource development, and meeting housing needs.

#### Lummi

Additional program funds were allocated to the law enforcement, Johnson O'Malley, tribal courts, and scholarships programs. The health and services program was supplemented and facilities were renovated. The senior citizens program was able to purchase a bus. Tribal school teacher salaries were supplemented to bring them closer to Washington State teacher levels. New departments and/or programs created with the reallocation of funds include the tribal budget committee, youth department, a safe streets program, a tribal communications department, an education commission to work on the tribal comprehensive education plan, and a business development center. The tribal chairman now is a full-time paid position and the council is paid part-time. Funds were also reallocated to support the volunteer fire department.

The self governace project increased the Lummi law and order department by over 200%. This allowed Lummi community members to not only have better protection against personal injury and property damage but they get to have direct input to where the funds go that the tribe receives.

#### Mille Lacs

None, except Mille Lacs applied for calendar year conversion funds.

#### Quinault

Historically Quinault's fish enforcement funding was based on 10% of the fisheries management budget. This amount was increased to achieve competitive salaries and to add positions.

The law enforcement budget was increased dramatically primarily for additional staff and to pay competitive salaries with neighboring jurisdictions.

The self governance office was funded entirely from supplemental funding. Not receiving these funds until February led to a delay in hiring support staff.

The summer youth program shifted from education.

Most of the budget reductions in forestry were the result of a transition, taking on new responsibilities, developing new programs, staffing, and space needs given the flow of funds and time required for "staffing up", particularly in mid-level professional positions.

In order to supplement family services and provide two full time MSWs, besides providing supplemental funding, an additional amount was budgeted.

5. What significant changes has your tribe made to its programs during fiscal year 1991?

#### **Absentee Shawnee**

Probably the major changes made to all self governance programs has been the major reduction of paperwork previously required by the Bureau. Cumbersome forms, applications, verifications, and other fluff have simply been eliminated unless specifically required by the CFR. Probably the most disappointing aspect the Absentee Shawnee Tribe has encountered has been the total lack of success in achieving waiver of 25 CFR provisions, despite the provisions of the compact.

#### **Cherokee**

Significant changes include the development of a criminal law code consistent with the State of Oklahoma's criminal code; the creation and development of a new criminal court and marshall/police protection service; the development of a multi-jurisdictional cooperative agreement with the State of Oklahoma; the development of an environmental protection agency within the Cherokee Nation funded with BIA, EPA and tribal financial resources to deal with environmental concerns of the region; and the implementation of a special inter-tribal initiative to analyze, revise and reform archaic land laws which have plagued federal and tribal administrators.

#### **Hoopa**

As noted above, fiscal year 1991 was a transition year for self governance. Most of the changes were concentrated in areas where the tribe could better monitor and influence internal change. These areas included internal conflict resolution, clear program guidelines and functions, methods for performance evaluations, the involvement of program management in other areas of tribal operations that affect the activities of their programs, identification of roles and responsibilities within tribal operations and stability in areas of the tribe that are necessary to support program activities.

### Jamestown-S'Klallam

Program dollars were shifted to enhance tribal economic development, cultural preservation, long-range planning, natural resource development, and meeting housing needs.

### Lummi

The Johnson O'Malley program was expanded and supplemented to allow the tutoring program to service more students than it ever has before. The tribal court now has a full-time judge, court administrator, and criminal investigator.

### Mille Lacs

None. All changes, if any, are to be made during the next fiscal year. The education program is to apply for funds and justify its request and needs.

### Quinault

A business finance program was assumed under self governance. It was considered a high priority for economic development.

Education was established as a department as opposed to being a program within human resources. The consolidated education program was given high priority. The budget reflects a 20% increase and does not include \$50,000 of tribal hard money for scholarships.

Environmental protection (primarily spotted owl funds and tribal fish and wildlife) was not included in the BIA budget.

A tribal operations department was created to strengthen administrative capabilities.

6. Has a joint review team examined BIA programs?

### Absentee Shawnee

No. Elected officials of the tribe have made advances to Bureau officials with no response having been received to the knowledge of the tribal operations office of the tribe.

### Cherokee

Only a trust program review was conducted by the Office of Self Governance. The Cherokee Nation's administration of trust programs was found to be more than satisfactory with no noted deficiencies or serious programmatic concerns.

**Hoopa**

Although a joint trust evaluation team has examined the activities conducted by the tribe, no such examination was conducted for BIA programs.

**Jamestown-S'Klallam**

No.

**Lummi**

No. However, a trust evaluation has been completed on the trust related forestry and natural resources programs.

**Mille Lacs**

No.

**Quinalt**

No.

7. What is the status of your tribe's A-128 financial audit?

**Absentee Shawnee**

The Absentee Shawnee's A-128 financial audit is to begin next month.

**Cherokee**

The Cherokee Nation's A-128 financial audit has been completed. No major problems were identified.

**Hoopa**

The fiscal year 1991 tribal audit has been completed and provided to the Office of the Inspector General. Due to delays experienced in having the annual tribal audit completed in a more timely manner, the tribe is developing internal procedures that will assist in the audit process.

**Jamestown-S'Klallam**

It is just about done.

**Lummi**

The Lummi's A-128 financial audit is in process and almost complete.



**Mille Lacs**

It has been completed and will be sent to the Office of Self Governance.

**Quinault**

It has been completed and sent to the Office of Self Governance.

**BIA AREA RESPONSES**

1. What is the status of your BIA Area's baseline measurements report for the period ending September 30, 1991?

**Anadarko**

The baseline measurements report for the period January, 1991 through December, 1991 was submitted by the Absentee Shawnee Tribe on January 17, 1992.

**Minneapolis**

The baseline measurements report was requested from the Office of Self Governance on January 22, 1992.

**Muskogee**

The baseline measurements report was submitted on May 23, 1991. This covers the period ending September 30, 1991.

**Portland**

The baseline measurements report for the period ending September 30, 1990, with a target date of January 1, 1991 was submitted on February 20, 1991?

**Sacramento**

The baseline measurements report was submitted to the Director of the Office of Self Governance on February 28, 1991.

2. What is the status of your BIA Area's semi-annual reports for the periods ending March 31, 1991 and September 30, 1991?

**Anadarko**

Semi-annual reports for the period January, 1991 through June, 1991 and the period July, 1991 through December, 1991 were submitted by the Absentee Shawnee Tribe on July 9, 1991 and January 17, 1991 respectively.

**Minneapolis**

Semi-annual reports were also requested from the Office of Self Governance on January 22, 1992.

**Muskogee**

The status of the semi-annual reports is as follows: The March 31, 1991 report is complete. The September 30, 1991 report is nearing completion as the tribal and BIA reports are being sent together and will be finalized on March 11, 1992.

**Portland**

The target dates for the submission of the reports are July 1, 1991 and January 1, 1992. The reports are in the process of completion.

## **Sacramento**

The Bureau's semi-annual report for the period ending March 31, 1991 was submitted July 3, 1991 and the report for the period ending September 30, 1991 will be submitted March 13, 1992.

3. During fiscal year 1991, what were the major advantages and disadvantages of the Tribal Self Governance Demonstration Project experienced by the BIA in your Area?

## **Anadarko**

No advantages to the operation of the project have been experienced by the Anadarko Area Office. As in all areas under the compact, the workload in the administrative services has not decreased. The administrative services provided prior to the compact are still being performed.

In the real estate area, the Anadarko Area Office has been tracking the number of cases for which it has had direct input since January 1, 1990. There has been a rise in the number of cases the Anadarko Area Office has to review since the initiation of the project, rather than a decline.

Since January 1, 1991, the Anadarko Area Office has expended some 37 manhours in the formal review of cases/transactions submitted by the Absentee Shawnee Tribe. Some 18 telephone calls per month from tribal realty staff requesting technical assistance in the preparation of said transactions or in the handling of specific cases/appeals are also answered. In addition to the above, the tribe was provided 112 hours of formal training in acquisition and disposal, surface leasing, and other realty functions in calendar year 1991.

To date, no funding to compensate for services provided has been received.

## **Minneapolis**

Major advantages were the review and understanding of programs, both the BIA and tribe gained from the overall negotiations.

Major disadvantages were creating a division in overall tribal government by having to divide resources per band. Also, clear direction must be provided in all instances, and sampled of funding break-outs by other offices should be provided prior to 1993 negotiations.

## **Muskogee**

The major advantages were: More control of programs by the tribe; Ability to redesign or restructure programs for better services; Negotiations; and less federal involvement (monitoring).

The major disadvantages were: Time and staff necessary for technical assistance during FY 1991 (allowances were made for this) and less accountability (not monitoring).

## Portland

One disadvantage or negative impact was the abnormal work load imposed on the Portland Area's budget staff as a result of handling three first tier tribes and at the same time negotiating with three second tier tribes for initial compacts. In the Portland Area Office, the work attributable to self governance is the equivalent of at least one full time position immediately before, during and after negotiations, but funding does not allow us to staff to that level.

An advantage is that the BIA Portland Area has learned more about the entire Bureau budget in its attempt to provide complete disclosure to the tribes. In addition, the BIA Portland Area's employees have had the opportunity to participate in more than one information sharing session with the Tribal Self Governance Demonstration Project tribes as well as non participating tribes in explaining Bureau roles. This has been healthy and informative.

Finally, an advantage has been the close review the BIA Portland Area has given to its operations as a result of the need to restructure. This has been of valuable assistance in similar efforts the BIA Portland Area is initiating as a result of the Reorganization Task Force.

## Sacramento

The major advantages are probably more apparent to the Hoopa Valley Tribe than to the Bureau and they probably should be. The tribe can control and run its own programs, adjust funds, redesign and operate other activities.

The fact that the Hoopa Valley Tribe has consolidated its contracts into a compact/annual agreement is somewhat of an advantage in working with them. The tribe has also identified a coordinator with whom the Area deals on all issues rather than various staff.

One of the disadvantages that we see is that the self governance operations are not coordinated with the day to day operations of the BIA. There is a lack of communication and a lack of directives. Tribes are operating so much more independently that the BIA Sacramento Area doesn't know what's going on and there is no mechanism to insure that self governance tribes respond to Bureau program requirements, to requirements of the Office of Self Governance, or to requirements the self governance tribes have imposed on themselves.

Another disadvantage is that additional work has been created for BIA Sacramento Area Office staff as indicated in the response to question number five. In this multi-tribal area, the BIA Sacramento Area is already underfunded to begin with and self governance tribes are taking a percentage of program dollars which are deficient to start with. While shortfall funds were available to the tribes in FY 1991 and 1992, these same dollars are not available in FY 1993.

#### 4. Has a joint review team examined BIA programs?

##### Anadarko

Only a trust review was completed.

##### Minneapolis

Only trust evaluations have been conducted by Mr. Karole Overberg on December 11, 1991 for the Mille Lacs Band.

##### Muskogee

No. However, a trust evaluation has been completed.

##### Portland

No.

##### Sacramento

Although the Hoopa Valley Tribal Council has indicated its interest in examining BIA programs which were not contracted, no joint review team has been established. During the FY 1992 budget negotiations, the BIA Sacramento Area prepared by program a summary of required federal functions, a distribution formula, staffing/cost summary, justification and a functional statement which identified workload, staffing and costs for all area programs and functions. This information was provided to the tribal negotiating team for its review.

#### 5. How much time and for what activities did BIA spend on compacts of the first tier tribes in fiscal year 1991?

##### Anadarko

In the area of real estate services, some 185 manhours were provided in training, technical assistance, and review of legal documents for the Area Director's approval.

Additional manhours have been provided for technical assistance and review in all program areas under the compact.

##### Minneapolis

The Minnesota Agency has spent approximately 10% of its time on program review, budget and funding distribution. This includes monitoring of past contracts.

The Minneapolis Area Office has spent approximately 15% of its time on negotiations, workshops, annual assessment, processing P638 payments, modifications and responding to technical assistance questions.

##### Muskogee

Self Governance Specialist - full time; Area Director - 160 hours; Appraisals - 1,080 hours (2 1/2 days per week); Realty - 1,080

hours (2 1/2 days per week); Budget - 48 hours; Finance - 20 hours; Credit - 400 Hours; Law Enforcement - 400 hours; and Forestry - 400 hours.

This time is approximate and was expended for technical assistance as requested during the first year which was FY 1991.

#### Portland

As mentioned, abnormal time was spent by the area budget office, immediately before, during and after negotiations. In order to comply with Title III of P.L. 100-472, considering that the Portland Area Office has six tribes in compact and others with planning grants, a full time position can easily be justified with clerical support to provide accurate, timely and responsive help to self governance tribes.

#### Sacramento

Jointly develop the baseline measures and prepare the baseline measures report--472 manhours.

Self governance meetings--235 manhours.

Budget preparation, negotiation and execution--442 manhours.

Various administrative issues, indirect costs, semi-annual report preparation, facilitating program issues, excess property issues, reprogramming, payments, modifications, and oversight--56 manhours.

Total--1,205 manhours.