TRIBAL SHARES: COMPREHENSIVE OVERVIEW

Tribal/Interior Budget Council, August 5, 2026

BIA BUDGET FUNDING HISTORY

THE BIA BUDGET PROCESS EVOLUTION

- Indian Priority System
  - Process created in the ‘70s to allow tribal input in BIA budget formulation that jointly ranked programs and consolidated into budget request.
  - In FY1991, Congress and GAO expressed concerns about the IPS process. Upon Congressional request, BIA established a budget reform task force.
- Tribal Budget System
  - IPS was based on BIA’s organizational structure; TBS is based on program functions.
  - TBS established need-based budgets.
- Tribal Priority Allocations
  - In FY1994 budget justification, BIA proposed creating TPAs, a designation given to specific, recurring BIA budget line items or activities that support tribal services or can be assumed through ISDEAA agreements.
  - At the time, due to ISDEAA prohibition on assumption of inherently federal functions, programs with oversight, trust management were generally excluded.

TRIBAL PRIORITY ALLOCATION AND TRIBAL SHARES

- A Tribal share is the portion of funds and resources for a Tribe (or Tribes within a Consortium) that—
  - (A) support any program within BIA, BIE, BTFA, or OAS-IA; and
  - (B) are not required by the Secretary for the performance of an inherent federal function (IFF). (25 U.S.C. 5361(12); 25 CFR 1000.705)
- In 1990, BIA developed the tribal share process to determine the amount available in each BIA region for tribes that currently had, or could later choose to enter into, ISDEAA agreements.
- BIA then allocated the remaining funding to those tribes still receiving direct services as base TPA funding.
- The tribal share process established the historical baseline for TPAs, which tribes receive annually.
- Currently, when BIA appropriations are enacted, BIA allocates TPA funding according to these historical baseline amounts and allocates appropriations increases that are not directed to a specific tribe on a pro rata basis.

DETERMINING TRIBAL SHARES FOR SELF-GOVERNANCE

HOW DOES BIA DETERMINE TRIBAL SHARES: 25 CFR 1000.710

- Formula-Driven: First, identify funds for BIA To carry out IFFs. Second, apply distribution formula to remaining eligible funds.
  - Reasonably related to the program performed by an office and consistently applied to all tribes within each region/agency office.
  - Calculation of funding under self-governance consistent with process used for calculating funds for non-self-governance tribes.
- Tribal-Specific: When not using a formula basis, determined on a tribe-by-tribe basis for special project funding, competitive grants, or similar funding.

APPLICATION OF PROGRESS ACT AND PART 1000 REGULATIONS IN DETERMINING TRIBAL SHARES

- First, BIA identifies the applicable IFFs, which are those Federal functions that may not legally be delegated to a Tribe. (25 USC 5361(6).
- Second, BIA determines the funding associated with the IFFs. 25 CFR 1000.685-695 provides process for determining IFF funding. Note that the amount is subject to negotiation.
- Third, once IFF funding determined, BIA identifies the eligible funds for the program. Some consideration include:
    - Program Location: Tribes/Consortia may negotiate Tribal shares for programs provided outside their immediate agency or region. (25 CFR 1000.715)
    - Retained Tribal Share: Tribes/Consortia may leave Tribal shares with BIA for certain programs. (25 CFR 1000.725)
    - Savings: Savings that result from downsizing in BIA, if any, are allocated in the same manner as Tribal shares. (25 CFR 1000.730)