



National
Congress of
American
Indians

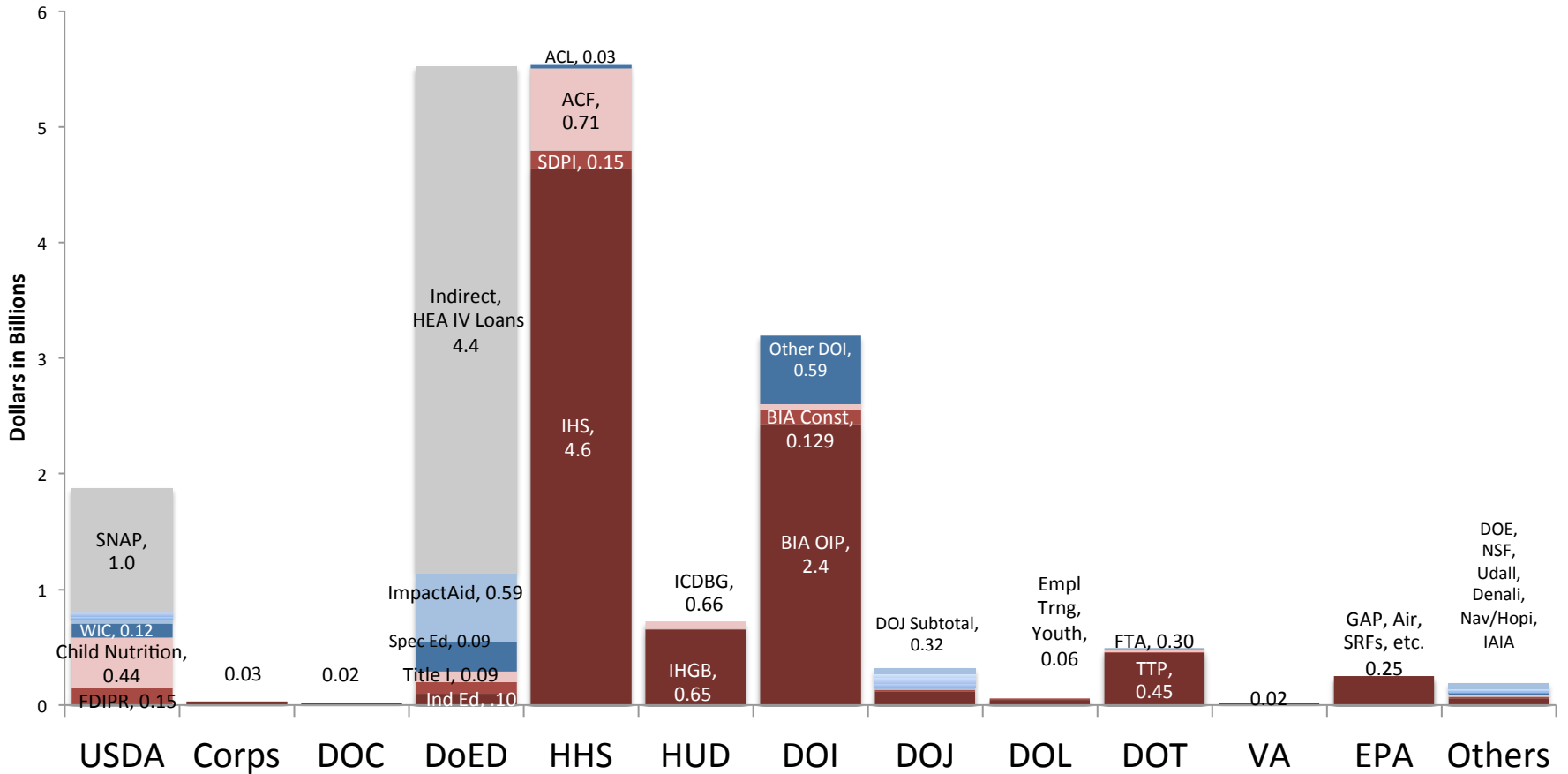
Federal Budget, Appropriations, and the Tribal Interior Budget Council

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Topics in Presentation

- FY 2017 Appropriations
 - Interior
 - Commerce-Justice-Science
- TLOA Integrated Law Enforcement Proposal
- TIBC Updates

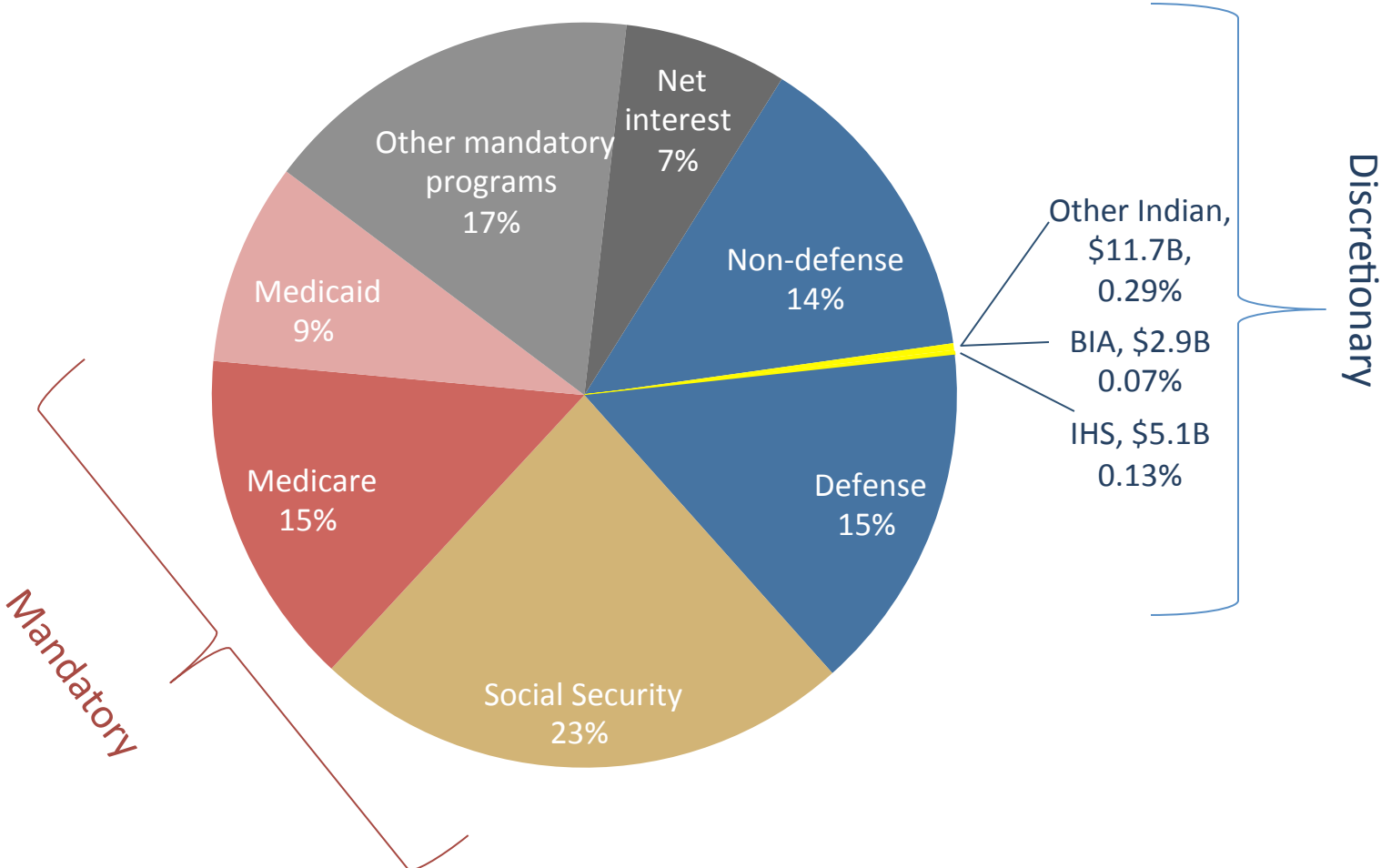
FY15 Enacted Amounts for Programs Serving Tribes and Native American Communities



Quiet Crisis Recommendations in 2003

- Congress should require and review **unmet needs analyses annually** as a component of each agency's budget justification, like the IHS Federal Disparity Index.
- All federal agencies that administer Native American programs should be required ***to set aside money for infrastructure building***.
- Avoid across-the-board budget cuts.
- *Self-determination ultimately requires that Indian nations govern their own resources. To the extent possible, programs for Native Americans should be managed and controlled by Native Americans.*

FY2016 Proposed Outlays



Status of Appropriations

Bill	House			Senate			Conf.	President
	Subcom.	Comm.	Passage	Subcom.	Comm.	Passage		
Agriculture HR 5054 S 2956	13-Apr voice vote	19-Apr voice vote		17-May voice vote	19-May roll call 30-0			
CJS HR 5393 S 2837	18-May voice vote	24-May voice vote		19-Apr voice vote	21-Apr roll call 30-0			
Energy-Water HR 5055 S 2804	13-Apr voice vote	19-Apr voice Vote	26-May roll call 112-305	13-Apr voice vote	14-Apr roll call 30-0	12-May roll call 90-8		
Interior-Env. House draft S 3068	25-May voice vote	15-Jun roll call 31- 18		14-Jun voice vote	16-Jun roll call 16-14			
Labor-HHS-Ed. House draft S 3040	July 7 Voice Vote			7-Jun voice vote	9-Jun roll call 29-1			
T-HUD HR 5394 S 2844	18-May voice vote	24-May voice vote		19-Apr voice vote	21-Apr roll call 30-0	19-May roll call 89-8		

Possible Outcomes

- So far: Senate has passed 3 bills; House passed 4; none have become law
- Lawmakers leave July 15 for conventions
- Congress reconvenes in September
- CR of some length until post elections
 - Lame Duck Omnibus or
 - 6 month CR

Average Annual Duration of CRs by Appropriations Subcommittee

Subcommittee	Average Duration (Days)
Homeland Security	21
Defense	27
Military Construction	37
Veterans Affairs	66
Legislative Branch	67
Interior	69
Energy/Water	71
Agriculture	79
Housing and Urban Development	81
Transportation	81
Treasury	83
District of Columbia	84
Foreign Operations	88
State	89
Commerce/Justice	89
Labor/HHS	96

Costs of a Dysfunctional Budget Process

- Federal agencies
 - Delayed hiring and personnel actions & morale issues
 - Training and travel delays
 - Changes in contracting practices
 - Increasing costs
 - Reduced effectiveness & efficiency
- Others
 - State and local government
 - Compacts and contractors

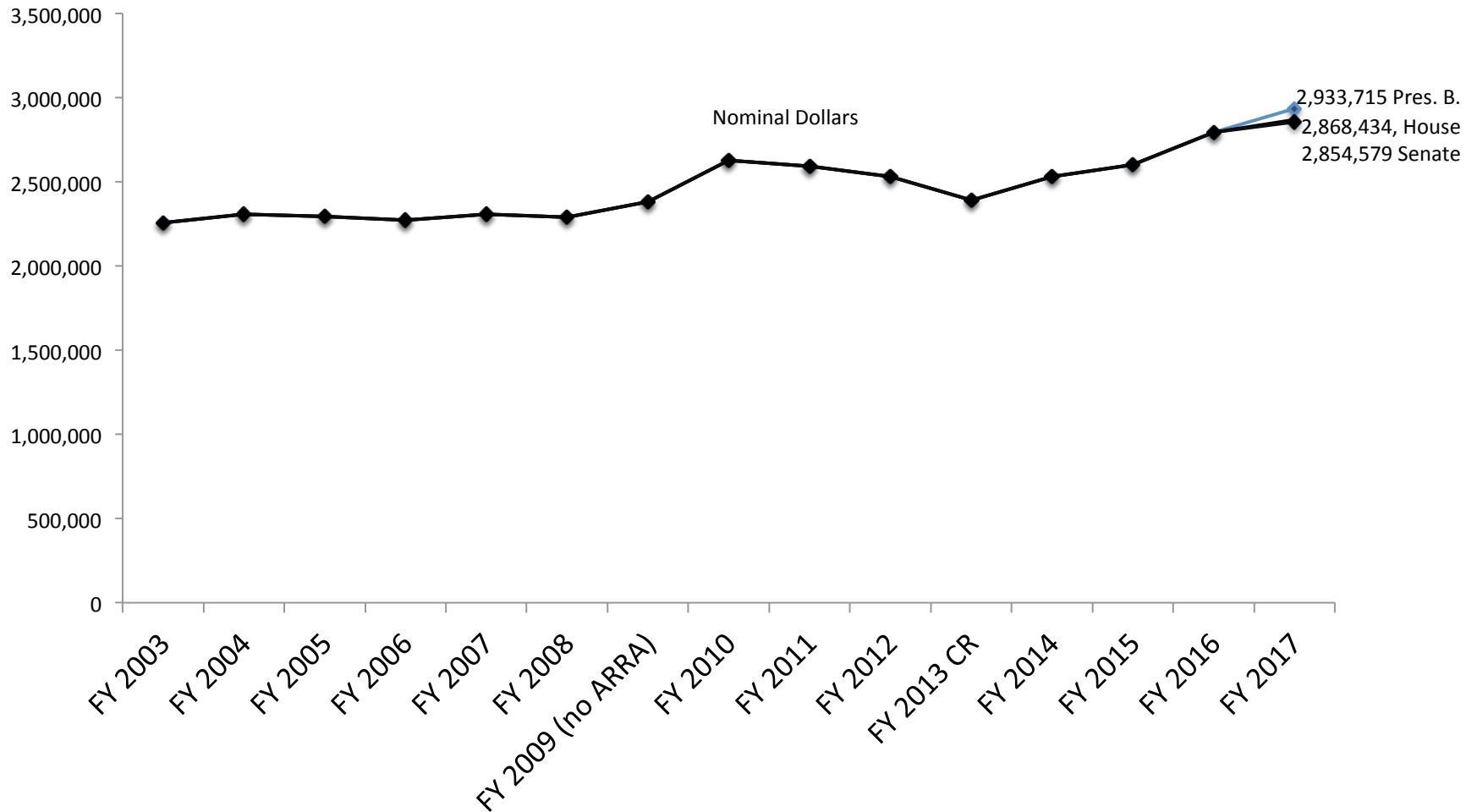
Overall Interior Appropriations

Status: House Floor Action this week; Approved by Senate Appropriations Committee

- The House Rules Committee Monday voted, 7-2, to approve a structured rule that would limit time spent debating amendments to the fiscal 2017 Interior-Environment appropriations bill, which the Obama administration threatened to veto.

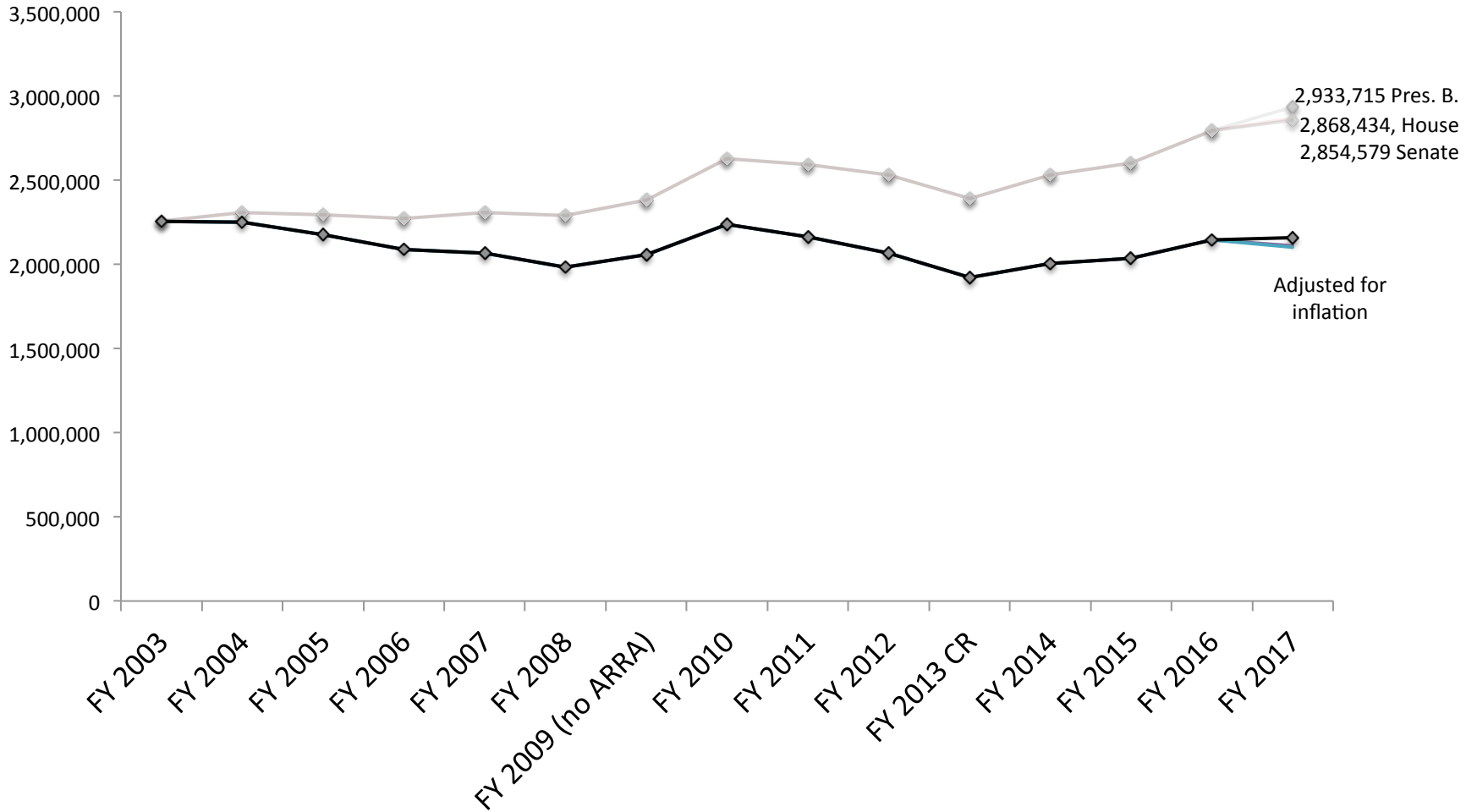
(dollars in thousands)	Enacted FY16	Pres. Budget	House	Senate
BIA/BIE	2,796,120	2,933,715	2,868,434	2,854,579
versus Enacted		137,595	72,314	58,459
versus Enacted %		4.9%	2.6%	2.1%
versus Pres Budget			-65,281	-79,136

BIA/BIE Trends from FY 2003



The increase for the BIA/BIE in the House version is the largest among the Department of Interior bureaus funded in the bill.

BIA/BIE Trends from FY 2003



Overall Change, Nominal vs. Inflation-Adjusted

	Nominal	Δ from previous FY	% Δ from Previous Year	Constant dollars, 2003 base year	Δ from previous FY	% Δ from Previous Year
FY 2003	2,257,243			2,257,243		
FY 2004	2,305,814	48,571	2.2%	2,252,069	(5,174)	-0.2%
FY 2005	2,295,702	(10,112)	-0.4%	2,174,531	(77,538)	-3.4%
FY 2006	2,274,269	(21,433)	-0.9%	2,086,680	(87,850)	-4.0%
FY 2007	2,308,304	34,035	1.5%	2,066,295	(20,386)	-1.0%
FY 2008	2,291,279	(17,025)	-0.7%	1,983,584	(82,710)	-4.0%
FY 2009 (no ARRA)	2,384,317	93,038	4.1%	2,058,142	74,558	3.8%
FY 2010	2,627,795	243,478	10.2%	2,236,774	178,632	8.7%
FY 2011	2,594,012	(33,783)	-1.3%	2,163,222	(73,552)	-3.3%
FY 2012	2,531,273	(62,739)	-2.4%	2,067,753	(95,469)	-4.4%
FY 2013 CR	2,389,056	(142,217)	-5.6%	1,921,932	(145,821)	-7.1%
FY 2014	2,531,273	142,217	6.0%	2,005,871	83,939	4.4%
FY 2015	2,601,498	70,225	2.8%	2,035,545	29,674	1.5%
FY 2016	2,796,120	194,622	7.5%	2,147,341	111,796	5.5%
Total Change: FY16-FY03		538,877	23.9%		(109,902)	-4.9%

Tribal Government

(Amounts in Thousands)	FY 2016	FY 2017	House	Senate	% Change from FY16	
	Enacted	Request	Bill	Bill	House	Senate
Tribal Government						
Aid to tribal government	24,833	27,118	27,118	27,118	9.2%	9.2%
Consolidated tribal government pgm	77,088	75,429	75,429	75,429	-2.2%	-2.2%
Self governance compacts	162,321	162,346	162,346	162,346	0.0%	0.0%
New tribes.	464		-464	464	0.0%	0.0%
Small and needy tribes.	1,845	3,095	1,845	4,645	0.0%	151.8%
Road maintenance.	26,693	26,783	30,000	30,307	12.4%	13.5%
Tribal government program oversight	8,273	12,377	8,377	8,377	1.3%	1.3%
Subtotal	301,517	307,148	305,115	308,686	1.2%	2.4%

BIA Human Services

	FY 2016	FY 2017	House	Senate	% Change from FY16	
(Amounts in Thousands)	Enacted	Request	Bill	Bill	House	Senate
Social services	45,179	57,343	55,500	52,343	22.8%	15.9%
Welfare assistance	74,791	74,773	74,773	74,773	0.0%	0.0%
Indian child welfare act	15,641	18,946	18,509	18,946	18.3%	21.1%
Housing improvement program	8,021	9,708	9,708	9,708	21.0%	21.0%
Human services tribal design	246	254	254	254	3.3%	3.3%
Human services program oversight	3,126	3,137	3,137	3,137	0.4%	0.4%
Subtotal	147,004	164,161	161,881	159,161	10.1%	8.3%

(Amounts in Thousands)	FY 2016	FY 2017	House	Senate	% Change from FY16	
	Enacted	Request	Bill	Bill	House	Senate
Education						
Elementary and Sec Pgms (forward funded)	553,458	574,075	575,075	569,575	3.9%	2.9%
(Tribal grant support costs)	73,276	75,335	75,335	75,335	2.8%	2.8%
Post secondary porgrams (fwd funded)	74,893	77,207	77,207	77,207	3.1%	3.1%
Subtotal, fwd funded education	628,351	651,282	652,282	646,782	3.8%	2.9%
Elementary and secondary programs	134,263	144,295	140,540	140,195	4.7%	4.4%
Post secondary programs	64,602	66,841	66,841	60,031	3.5%	-7.1%
Education management	25,151	50,012	33,223	27,151	32.1%	8.0%
Subtotal, Education	852,367	912,430	892,886	874,159	4.8%	2.6%

Public Safety

(Amounts in Thousands)	FY 2016	FY 2017	House	Senate	% Change from FY16	
	Enacted	Request	Bill	Bill	House	Senate
Public Safety and Justice						
Law enforcement	347,976	341,281	352,551	354,742	1.3%	1.9%
Tribal courts	28,173	30,753	30,753	30,753	9.2%	9.2%
Fire protection	1,274	1,426	1,426	1,426	11.9%	11.9%
Subtotal	377,423	373,460	384,730	386,921	1.9%	2.5%

Statement of Admin. Policy on House Interior Bill

- *Indian Affairs Priorities*. The Administration appreciates the funding level for Indian Affairs programs as a whole.
- However...the bill **fails to provide**
 - broadband and digital services in Indian schools,
 - facilitate access to Federal programs through a Native One-Stop Support Center, or
 - strengthen data quality in Indian Country.
 - help for tribes to manage natural resources, prepare for and respond to the impacts of climate change,
 - support resolution of tribal land and water claims.

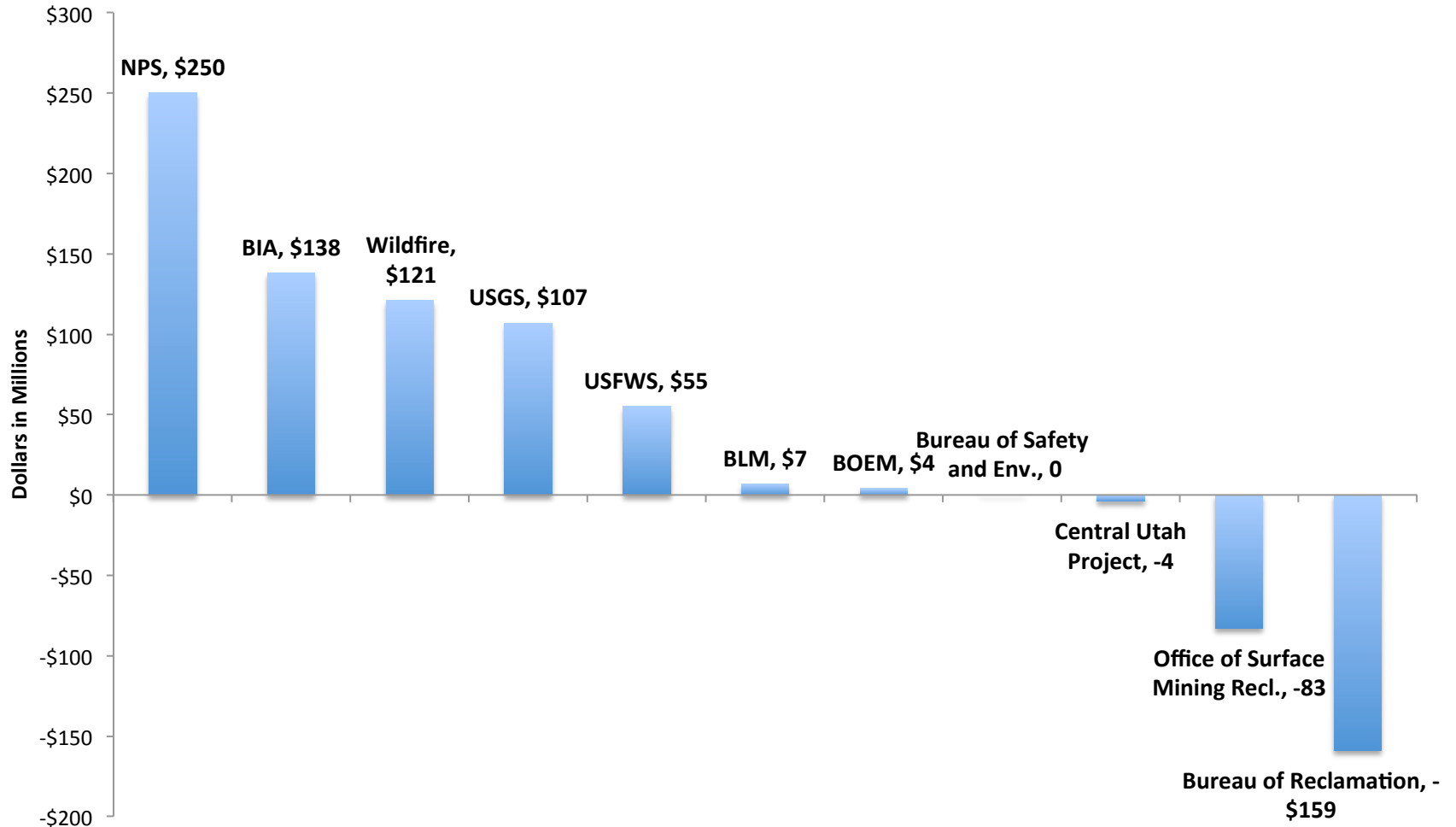
SAP on Federal Acknowledgement of American Indian Tribes Rule.

- The Administration opposes section 125 of the bill, which would block DOI from implementing, administering, or enforcing the final Federal acknowledgment rule.
- Blocking this rule leaves the Federal acknowledgement program without a governing structure, effectively halting the Administration's role in the process.
- To uphold the principle of tribal sovereignty, it is important that the Federal Government have a clear and objective process to determine which Tribes it recognizes. Administrative recognition provides an orderly process.

SAP on Land into Trust

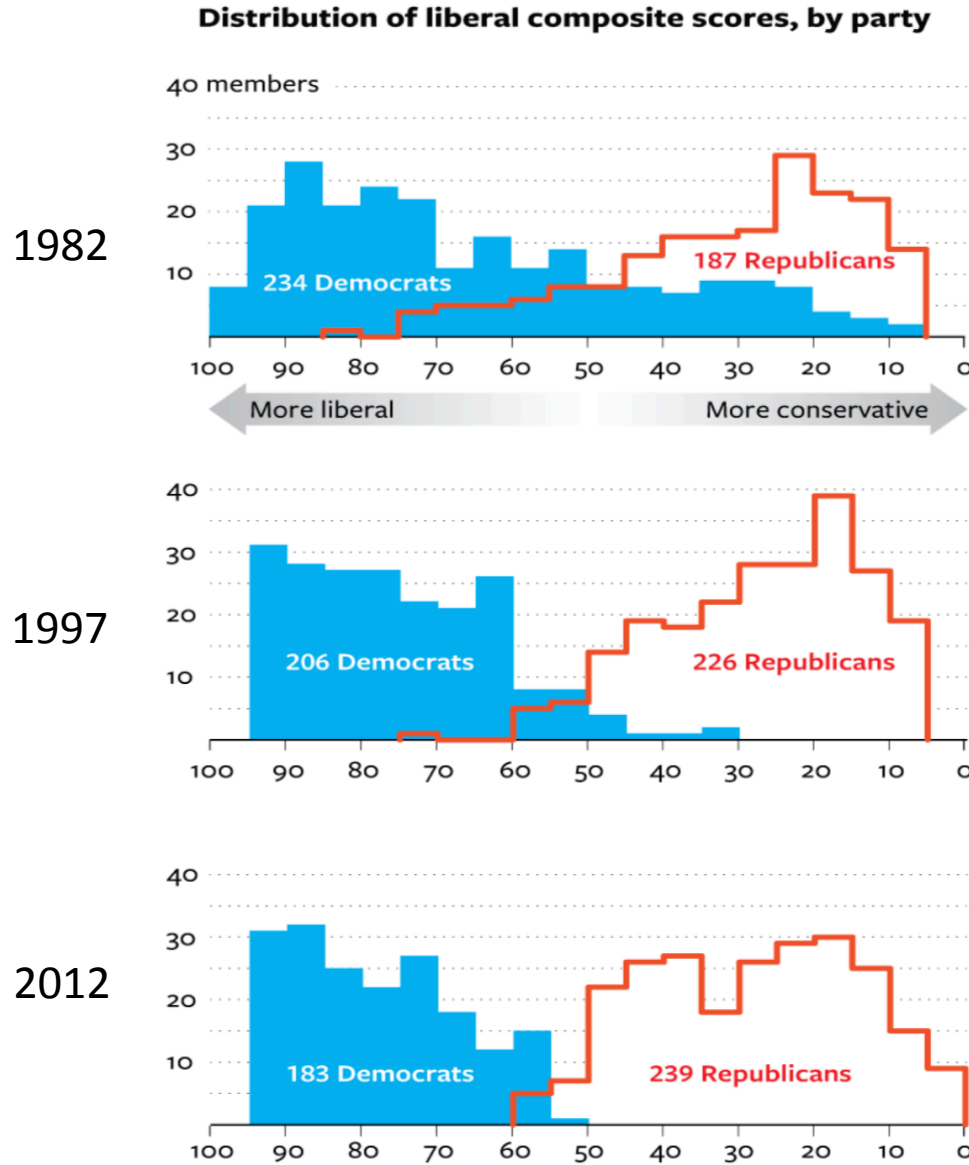
- The Administration appreciates efforts by the Committee to address the need to clarify and reaffirm the Secretary of the Interior's authority to acquire land in trust under the Indian Reorganization Act (IRA). The Administration continues to support language requested in the FY 2017 Budget to extend this authority to all Tribes, whether recognized in 1934 or later. Such legislation would be consistent with the longstanding policy of assisting Tribes in establishing and protecting a land base sufficient to allow them to provide for the health, welfare, and safety of tribal members, and in treating all Tribes equally for purposes of setting aside lands for tribal communities. Section 128 of the bill takes a far more limited approach, however, simply reaffirming that certain land taken into trust before the Carcieri decision shall continue to be trust land.

Department of Interior Proposed Changes in FY17 Budget



“A House Divided”

Getting to Yes: National Journal Alex Roarty, February 23, 2013



Source: National Journal analysis of House roll call votes

DOJ Funding Streams	FY16		FY17 proposed	
	pos	amount	pos	amount
Civil Division	3	\$284	3	\$295
Community Oriented Policing Services ¹	0	\$30,000	0	\$38,000
Community Relations Service	15	\$220	15	\$285
Criminal Division	3	\$723	3	\$731
Environment and Natural Resources Division	41	\$11,510	45	\$13,010
Federal Bureau of Investigation	163	\$30,614	163	\$30,943
Office of Justice Programs ¹	0	\$40,000	0	\$111,034
Office of Justice Programs, Crime Victims Fund ²	0	\$0	0	\$25,000
Office of Tribal Justice ³	7	\$1,390	8	\$1,630
Office on Violence ¹ Against Women	0	\$53,089	0	\$56,034
United States Attorneys	114	\$19,781	118	\$20,342
<i>Total Resources, Excluding Bureau of Prisons</i>	346	\$187,611	355	\$297,304
Bureau of Prisons	883	\$121,439	883	\$123,017
Total, All Programs	1,229	\$309,050	1283	\$420,321

In FY 2015, 234 tribes (individually or as part of consortia) submitted applications, resulting in the DOJ funding 118 tribes with 210 grant awards. The awards covered nine purpose areas, totaling over \$98 million.

Summary of DOJ Challenges

- 1) competitive grants don't work well. The time limitation leads to instability.
- 2) heavy administrative burden. (There are 6 or 7 DOJ components that make grants)
- 3) DOJ process doesn't give flexibility to use the money. It's very specific.
- 4) funding is insufficient
- 5) even though CTAS is consolidated, the applications are extremely laborious.

Section 102: Integration and Coordination of Programs

- Base funding for law enforcement provided through the BIA and is entirely inadequate.
- Competitive grant program pitfalls:
 - Required experienced grant writers
 - Flawed peer-review process
 - 2-3 year grant cycle
- NCAI Proposal → 477 funding scheme to deliver a streamlined process for direct funding from multiple agencies for more centralized and simplistic reporting

Integrated Law Enforcement and Tribal Justice System Funding Proposal

- Streamline reporting into a simpler single-report model based on plan objectives
- Reduce administrative costs by eliminating duplicate reporting
- Secure consistent direct funding for long-term programs
- Incorporate Senator Murkowski's language in S. 1443 to ensure the long-term simplification of agency reporting requirements
- Combine with tribal safety needs assessment

Integrated Law Enforcement Proposal

Continued

- **Pending increases for tribal justice programs will need mechanism for distribution:**
 - **CJS Appropriations, S. 2837 and H.R. 5393:**
 - 7% allocation from Office of Justice Programs (Section 212, approx. 110m)
 - 5% allocation from the Crime Victims Fund (Section 510, approx. 144m)
 - **NCAI Proposal for Indigent Defense:** 3% of Defender Services program in the Financial Services and General Government Appropriations (approx. 30 million).
- **However, maintain competitive grant programs in certain project-specific areas as called for by VAWA advocates**
- **Develop formula for funding allocation to tribes:**
- Possible formulas include the tribal formula under the Family Violence Prevention and Services Act, which includes a base amount for tribes with small populations and the remainder distributed through a population-based formula

Action from May TIBC Meeting

<p>Public Safety Funding Resolution: A motion was made and approved to adopt the public safety funding resolution. Motion carried.</p>	<p>Tribal Co-Chairs, NCAI</p>	<p>Shared with Hill staff.</p>
<p>A motion was made and adopted to recommend to the Bureau to contract two projects—the metrics (unmet needs/obligation) project and the continuing quality improvement project.</p>	<p>Co-chairs, BIA, NCAI</p>	<p>Conference calls were held with a potential firm on the CQIP contract to discuss scope of work.</p>
<p>A request was made that on a consistent basis, BIA would provide the three or four years that are at play, what TIBC proposed, what the President’s proposed budget ended up being and what the enacted was.</p>	<p>BIA</p>	<p>A priorities vs. requests vs. Enacted agenda item is included on the TIBC July agenda.</p>