




Budget Update Indian Affairs

November 2021



Budget Update FY 2022 – FY 2023



Overview

- **FY 2021**
 - ❖ Budget Balances
- **FY 2022**
 - ❖ Senate Mark
 - ❖ Continuing Resolution
 - Exception Apportionment
- **FY 2023**

Carryover Funds



- Overall percentage of 21/22 funds not obligated as of 9/30/2021 (first year of availability): 22%
 - Operation of Indian Programs had 20% carryover.
 - Operation of Indian Education Programs had 26% carryover.

Appropriation	Fund Centers	Carryover Amount
Operation of Indian Education Programs	BIE	310,077,880.49
	Central Office	700,797.25
	OSG	13,176.00
OIEP Total		310,791,853.74
Operation of Indian Programs	Central Office	130,602,290.02
	OSG	15,027,733.40
	Regions	106,659,771.71
OIP Total		252,289,795.13
Grand Total		563,081,648.87

FY 2022 Senate Mark

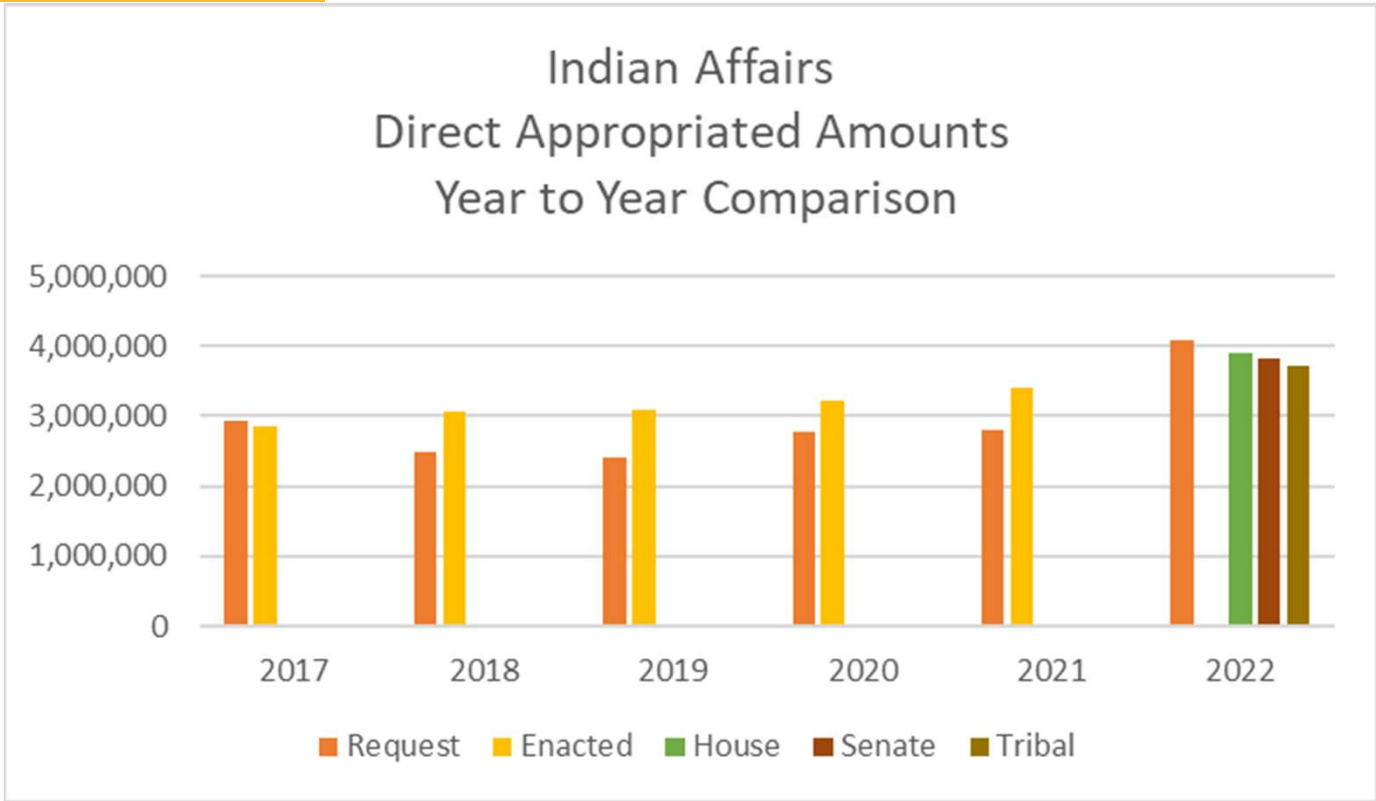


	2021 Enacted	2022 Request	2022 House Mark	2022 Senate Mark	2022 Senate vs. House	2022 Senate vs. Enacted	2022 Senate vs. Request
BUREAU OF INDIAN AFFAIRS							
OPERATION OF INDIAN PROGRAMS	1,616,532	1,916,066	1,925,289	1,875,716	-49,573	+259,184	-40,350
CONTRACT SUPPORT COSTS ACCOUNT	335,000	346,517	240,000	240,000	-	-95,000	-106,517
PAYMENTS for TRIBAL LEASES	21,593	36,593	36,593	36,593	-	+15,000	-
INDIAN LAND CONSOLIDATION PROGRAM	0	150,000	75,000	75,000	-	+75,000	-75,000
CONSTRUCTION	128,818	187,992	187,992	177,842	-10,150	+49,024	-10,150
INDIAN LAND & WATER CLAIM SETTLEMENTS	45,644	75,844	75,844	75,844	-	+30,200	-
INDIAN GUARANTEED LOAN PROGRAM	11,797	11,833	11,833	11,833	-	+36	-
BIA Total	2,159,384	2,724,845	2,552,551	2,492,828	-59,723	+333,444	-232,017
BUREAU OF INDIAN EDUCATION							
OPERATION OF INDIAN EDUCATION PROGRAMS	973,092	1,083,634	1,083,463	1,070,535	-12,928	+97,443	-13,099
EDUCATION CONSTRUCTION	264,277	264,330	267,330	264,330	-3,000	+53	-
BIE Total	1,237,369	1,347,964	1,350,793	1,334,865	-15,928	+97,496	-13,099
BUREAU OF TRUST FUNDS ADMINISTRATION							
FEDERAL TRUST PROGRAMS	108,399	110,672	109,572	110,672	+1,100	+2,273	-
BTFA Total	108,399	110,672	109,572	110,672	+1,100	+2,273	-
TOTAL, INDIAN AFFAIRS	3,505,152	4,183,481	4,012,916	3,938,365	-74,551	+433,213	-245,116

U.S. Department of the Interior

Indian Affairs

FY 2022 Senate Mark



FY 2022 Senate Mark - BIA



	2021 Enacted	2022 Request	2022 House Mark	2022 Senate Mark	2022 Senate vs. House	2022 Senate vs. Enacted	2022 Senate vs. Request
BUREAU OF INDIAN AFFAIRS							
OPERATION OF INDIAN PROGRAMS	1,616,532	1,916,066	1,925,289	1,875,716	-49,573	+259,184	-40,350
CONTRACT SUPPORT COSTS ACCOUNT	335,000	346,517	240,000	240,000	-	-95,000	-106,517
PAYMENTS for TRIBAL LEASES	21,593	36,593	36,593	36,593	-	+15,000	-
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INDIAN LAND & WATER CLAIM SETTLEMENTS	45,644	75,844	75,844	75,844	-	+30,200	-
INDIAN GUARANTEED LOAN PROGRAM	11,797	11,833	11,833	11,833	-	+36	-
BIA Total	2,159,384	2,724,845	2,552,551	2,492,828	-59,723	+333,444	-232,017

➤ *The Senate mark provides **\$2.5 billion** for the Bureau of Indian Affairs, an increase of **\$333.4 million** above the **2021** enacted and **\$232.0 million** below the **2022** President’s Budget Request.*

FY 2022 Senate vs Request vs Enacted



- **Tribal Government** — Includes \$355.4 million for Tribal Government programs, **\$14.4 million above the enacted level, and \$1.0 million below the budget request.**
 - ❖ \$7.0M for Small Tribes Supplement, -\$1.0M below the budget request.

- **Human Services** — Provides \$173.6 million for Human Services programs, **\$12.3 million above enacted and \$1.7 million below the request.**
 - ❖ Accepts proposed increases to Social Services (+\$12.1M) and Indian Child Welfare Act programs (+\$1.9M)
 - ❖ Approves expansion of Tiwahe initiative (+\$2.6M) beyond the existing programs.
 - ❖ \$10.0M for Housing, -\$1.7M below the request

FY 2022 Senate vs Request vs Enacted



- ***Trust-Natural Resources*** — *\$360.3 million, an increase of \$101.5 million above the enacted level and \$35.5 million below the budget request.*
 - ❖ *Increases authorized level for land acquisition to \$10.0 million from \$2 million, consistent with the request.*
 - ❖ *Key changes from the request include:*
 - *Tribal Climate Resilience - \$39.1M, +\$22.2M above the enacted level and \$21.9M below the request.*
 - *\$11.0M for Alaska Native Village relocation grants and additional funds to support the establishment of a Tribal Civilian Climate Corps and Tribal Climate Adaptation Grants.*
 - *Funds may be used for planning or relocation purposes*
 - *Minerals and Mining Projects - \$42.6M, \$26.5M above the enacted level and \$13.6M below the budget request.*
 - *Reduces funding that supports clean energy programs*

FY 2022 Senate vs Request vs Enacted



- **Trust-Real Estate Services** — *Provided \$169.9 million, an increase of \$29.2 million above the enacted level and equal to the budget request.*
 - ❖ *Supports the requested increase of \$26.0M for Environmental Quality remediation programs.*
 - *\$3.3M is provided for the demolition and abatement of vacant Bureau administrative buildings located on Navajo trust land in the Shiprock Chapter in accordance with the budget request.*
 - ❖ *\$450,000 for the certification of historical places and cultural sites, including Alaska Native Claims Settlement Act [ANCSA] (Public Law 92–203) sites.*

- **Public Safety and Justice** — *Includes \$507.1 million, \$58.4 million above the enacted and equal to the budget request.*
 - ❖ *Supports requested increases for additional law enforcement needs due to McGirt, body worn cameras*
 - ❖ *No less than \$1M to implement and enforce the Native American Graves Protection and Repatriation Act*
 - ❖ *Continues \$3M to implement the Violence Against Women Act in Indian Country and \$17M for P.L. 280 courts.*

FY 2022 Senate vs Request vs Enacted



- **Community and Economic Development** — \$39.5 million, **\$15.0 million above the enacted level and \$3.4 million below the budget request.**
 - ❖ \$20M for Job Placement and Training (TPA), *-\$3.4M below the request.*
 - ❖ \$3.4M for NATIVE Act
 - ❖ Maintains \$5.0M for native language immersion

- **Executive Direction and Administrative Services** — \$268.7 million, **\$27.1 million above the enacted level and equal to the budget request.**

- **INDIAN LAND CONSOLIDATION** — Recommends \$75.0M for Indian Land Consolidation, **-\$75.0M below the budget request.**

FY 2022 Senate vs Request vs Enacted



- **CONTRACT SUPPORT COSTS** — *Recommends an indefinite appropriation for \$240.0M.*
- **PAYMENT FOR TRIBAL LEASES** — *Recommends an indefinite appropriation for \$36.6M.*
- **CONSTRUCTION** — *\$177.8M, \$59.2M above the enacted level and \$10.2M below the budget request.*
- **INDIAN WATER RIGHTS SETTLEMENTS** — *\$75.9M, as requested, and \$30.2M above the enacted level.*
- **INDIAN GUARANTEED LOAN PROGRAM** — *\$11.8M, as requested, and \$36,000 above the enacted level.*

FY 2022 Senate vs Request vs Enacted



- *Supports the shift to mandatory funding in FY 2023 for Contract Support Costs and 105(l) funding.*
- *While not applicable to Indian Affairs, the Senate approves advance appropriations for Indian Health Service. This bodes well for Indian Affairs as we continue to advocate for advance appropriations for Indian Affairs. The House did not approve advance appropriations for IHS.*
- *Congress has reinitiated a form of earmarks referred to as Congressionally directed spending. Indian Affairs was assigned two Congressionally directed items totaling \$1.250 million in congressional directed spending for Special Initiatives to support capacity building related to public safety and domestic violence.*
 - ❖ *\$1,000,000 – Murkowski – Alaska Tribal Justice Service Providers*
 - ❖ *\$250,000 – Murkowski – Domestic violence center needs assessment for rural Alaska*

FY 2022 Senate Mark - BIE



➤ *The initial Senate mark provides **\$1.3 billion** for the Bureau of Indian Education, an increase of **\$97.5 million above the 2021 enacted** and **\$13.1 million below the 2022 President’s Budget Request.***

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BUREAU OF INDIAN EDUCATION							
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EDUCATION CONSTRUCTION	264,277	264,330	267,330	264,330	-3,000	+53	-
BIE Total	1,237,369	1,347,964	1,350,793	1,334,865	-15,928	+97,496	-13,099

FY 2022 Senate vs Request vs Enacted



- **Elementary and Secondary Programs (forward funded)** – Includes \$676.7M, **+\$58.8M above 2021, -\$13.1M below the request**
 - ❖ Partially funds the requested increases in ISEP Formula Funds (+\$47.4M above 2021 and -\$10.5M below the request) and Tribal Grant Support Costs (+\$5.4 above 2021 and -\$2.6 million below the request).
- **Elementary and Secondary Programs** — \$154.4M, as requested, and \$885,000 in fixed costs above the enacted level.
- **Post Secondary Program (forward funded)** – Supports \$113.3M, \$2.4M in fixed costs above the enacted level and equal to the budget request.
- **Post-Secondary Programs** — \$54.7M, \$12.2M above the enacted level of funding and equal to the budget request.

FY 2022 Senate vs Request vs Enacted



- *Education Management — Provides \$71.5M as requested, and \$23.2M above the enacted level.*
 - ❖ *Provides \$35.4 million as requested for Education IT (+\$20.1M above 2021) to support ongoing costs of learning and enhanced use of technology in the classroom.*

- *Includes \$264.3 million for **Education Construction (as requested and +\$53K in fixed costs above 2021).***

- ***Native Boarding School Initiative —***
 - ❖ *\$7.0M for these efforts.*
 - ❖ *While the language was included, funding was not. IA is completing an effect statement regarding this.*

FY 2022 Senate Mark - BTFA



- *The initial Senate mark provides **\$110.7 million** for BTFA, as requested in the 2022 President’s Budget, and an increase of **\$2.3 million** above the 2021 enacted*

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BTFA Total	108,399	110,672	109,572	110,672	+1,100	+2,273	-

FY 2022 Continuing Resolution, Exception Apportionment



➤ *Short-term CR through December 3, 2021*

- ❖ *Spending limited to 2021 funding levels*
- ❖ *No new starts*

➤ *Tribal Transfers*

- ❖ *IA has implemented Tribally requested transfers of TPA base funding. This allows funding to be posted to the lines on which Tribes anticipate using the funding in FY 2022 and avoid reprogramming issues when final funding is provided for FY 2022.*

➤ *Exception Apportionment -*

- ❖ *Provides 100% of TPA base funding to FY Tribes under a CR -- a higher level of payments to Tribes than an amount available under a CR*
- ❖ *Request another exception for CY tribes and LE activities if the next CR extends past January*

FY 2023 Budget Strategy



➤ **BIA**

- ❖ *Protect Tribal Priority Allocations and TPA base funding budget activities.*
- ❖ *Advance Higher ranked Tribal priority budget activities as proposed in the Tribal Interior Budget Council (TIBC) Tribal Budget Request.*
- ❖ *Maintain strong support for the Administration’s priorities of Conservation, Clean Energy, Tribal Programs and Equity in Underserved Communities.*
- ❖ *Address Assistant Secretary priorities.*
- ❖ *Support BIA central office programs and capacity building.*

FY 2023 Budget Strategy



➤ **BIE**

- ❖ *Protect programs that provide direct educational services to students in K-12 programs.*
- ❖ *Support school and facility replacements, new employee housing and repairs, and facility improvements for Tribal Colleges and Universities.*
- ❖ *Consider higher ranked Tribal priority budget activities as proposed in the Tribal Interior Budget Council (TIBC) Tribal Budget Request.*

➤ **BTFA**

- ❖ *Support changes in Part 2 Appeals regulations, expand existing work in Social Media, digitization and oversight activity and address longstanding program shortfalls.*

FY 2023 Budget Request

- *Submitted to OMB*
- *Budget and Program Briefings*
- *Passback*



Indirect Cost Exception



- *Requested an exception to the indirect cost rate calculation requirements of 2 C.F.R. § 200.405(b), Allocable Costs.*
 - ❖ *Allow Tribes the option to exclude from the rate calculation any CARES Act funding that denies or limits indirect cost recovery.*
 - ❖ *Inclusion of the CARES Act funding in the direct cost base will result in a lower indirect cost rate and a reduction in indirect cost recovery received from the Federal government, shifting the burden of administering these funds to the tribal government.*

- *Approved by OMB on November 2, 2021*



THANK
YOU!