



Exempt Funding for Indian Programs from Funding Caps

Some programs that deliver services to Tribal nations and their citizens have statutory budget caps on how much funding can be distributed through that program. Statutory budget caps, such as the cap limiting welfare assistance, can hinder a Tribal government's ability to address local needs. The following is the exact language taken from H.J. Res. 31 that places a statutory cap on welfare assistance payments:

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$2,414,577,000, to remain available until September 30, 2020, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of **which not to exceed \$76,000,000 shall be for welfare assistance payments**.... Provided further, that federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs

The statutory cap on welfare assistance payments has been in place since FY 1994 and is hindering the ability of tribes to provide assistance to their membership. The cap prevents the Bureau of Indian Affairs from modifying funding from other sources within the BIA's budget into the welfare assistance line item. Funding that could be used for necessities is utilized for less critical things because of the statutory cap prohibiting BIA officials from transferring funds to be used by tribes for essentials.

We urge Congress to remove budget caps on Indian programs that serve as a detriment to improving conditions in our local communities. Also, there is a growing trend among HHS grant programs to limit the application of indirect cost rates to grant programs, effectively forcing Tribes to subsidize federal programs to cover administrative costs. We find this practice counterintuitive to the indirect cost rate negotiation policy and procedure and limiting for smaller Tribal governments where these programs could have a significant impact.