




# Budget Update Indian Affairs

February 2022



# Budget Update FY 2022 – FY 2023



# Overview

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



# FY 2022 Senate Mark



|   | 2021<br>Enacted  | 2022<br>Request  | 2022<br>House Mark | 2022<br>Senate Mark | 2022<br>Senate<br>vs. House | 2022<br>Senate<br>vs. Enacted | 2022<br>Senate<br>vs. Request |
|---|------------------|------------------|--------------------|---------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>BUREAU OF INDIAN AFFAIRS</b>             |                  |                  |                    |                     |                             |                               |                               |
| 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                           | -                             |
| <b>BIA Total</b>                            | <b>2,159,384</b> | <b>2,724,845</b> | <b>2,552,551</b>   | <b>2,492,828</b>    | <b>-59,723</b>              | <b>+333,444</b>               | <b>-232,017</b>               |
| <b>BUREAU OF INDIAN EDUCATION</b>           |                  |                  |                    |                     |                             |                               |                               |
| 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                           | -                             |
| <b>BIE Total</b>                            | <b>1,237,369</b> | <b>1,347,964</b> | <b>1,350,793</b>   | <b>1,334,865</b>    | <b>-15,928</b>              | <b>+97,496</b>                | <b>-13,099</b>                |
| <b>BUREAU OF TRUST FUNDS ADMINISTRATION</b> |                  |                  |                    |                     |                             |                               |                               |
| FEDERAL TRUST PROGRAMS                      | 108,399          | 110,672          | 109,572            | 110,672             | +1,100                      | +2,273                        | -                             |
| <b>BTFA Total</b>                           | <b>108,399</b>   | <b>110,672</b>   | <b>109,572</b>     | <b>110,672</b>      | <b>+1,100</b>               | <b>+2,273</b>                 | <b>-</b>                      |
| <b>TOTAL, INDIAN AFFAIRS</b>                | <b>3,505,152</b> | <b>4,183,481</b> | <b>4,012,916</b>   | <b>3,938,365</b>    | <b>-74,551</b>              | <b>+433,213</b>               | <b>-245,116</b>               |

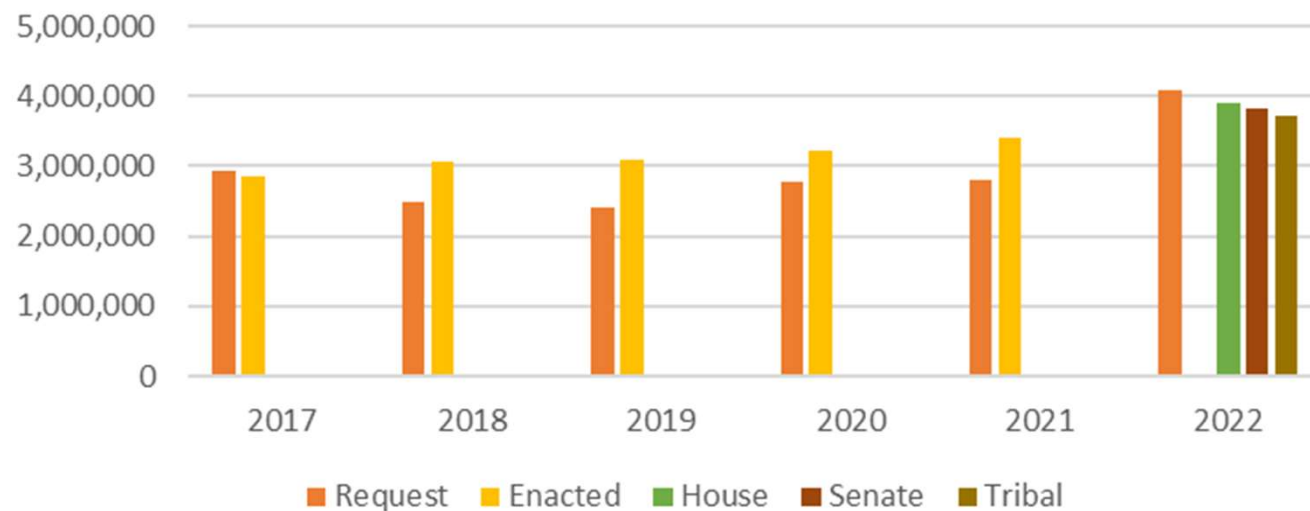
U.S. Department of the Interior

Indian Affairs

# FY 2022 Senate Mark



Indian Affairs  
Direct Appropriated Amounts  
Year to Year Comparison



# FY 2022 Senate Mark - BIA



|                                       | 2021<br>Enacted  | 2022<br>Request  | 2022<br>House Mark | 2022<br>Senate Mark | 2022<br>Senate<br>vs. House | 2022<br>Senate<br>vs. Enacted | 2022<br>Senate<br>vs. Request |
|---------------------------------------|------------------|------------------|--------------------|---------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>BUREAU OF INDIAN AFFAIRS</b>       |                  |                  |                    |                     |                             |                               |                               |
| 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                           | -                             |
| <b>BIA Total</b>                      | <b>2,159,384</b> | <b>2,724,845</b> | <b>2,552,551</b>   | <b>2,492,828</b>    | <b>-59,723</b>              | <b>+333,444</b>               | <b>-232,017</b>               |

- *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.***

|  | 2021<br>Enacted  | 2022<br>Request  | 2022<br>House Mark | 2022<br>Senate Mark | 2022<br>Senate<br>vs. House | 2022<br>Senate<br>vs. Enacted | 2022<br>Senate<br>vs. Request |
|--|------------------|------------------|--------------------|---------------------|-----------------------------|-------------------------------|-------------------------------|
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| EDUCATION CONSTRUCTION                 | 264,277          | 264,330          | 267,330            | 264,330             | -3,000                      | +53                           | -                             |
| <b>BIE Total</b>                       | <b>1,237,369</b> | <b>1,347,964</b> | <b>1,350,793</b>   | <b>1,334,865</b>    | <b>-15,928</b>              | <b>+97,496</b>                | <b>-13,099</b>                |

# 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

|                                      | 2021<br>Enacted | 2022<br>Request | 2022<br>House Mark | 2022<br>Senate Mark | 2022<br>Senate<br>vs. House | 2022<br>Senate<br>vs. Enacted | 2022<br>Senate<br>vs. Request |
|--------------------------------------|-----------------|-----------------|--------------------|---------------------|-----------------------------|-------------------------------|-------------------------------|
|                                      |                 |                 |                    |                     |                             |                               |                               |
| BUREAU OF TRUST FUNDS ADMINISTRATION |                 |                 |                    |                     |                             |                               |                               |
| FEDERAL TRUST PROGRAMS               | 108,399         | 110,672         | 109,572            | 110,672             | +1,100                      | +2,273                        | -                             |
| <b>BTFA Total</b>                    | <b>108,399</b>  | <b>110,672</b>  | <b>109,572</b>     | <b>110,672</b>      | <b>+1,100</b>               | <b>+2,273</b>                 | <b>-</b>                      |



# FY 2022 Continuing Resolution, Exception Apportionment



## ➤ *Short-term CR through February 18, 2022*

- ❖ *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, CY Tribes, and Tribal Law Enforcement under a CR -- a higher level of payments to Tribes than an amount available under a CR*

# Bipartisan Infrastructure Law



- *Provides a total of \$466 million over 5 years to BIA*
- *\$216 million is provided for Tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing Tribal communities across the country.*
  - ❖ *\$130 million for Community Relocation*
  - ❖ *\$86 million for Climate Resilience and Adaptation Projects*
  - ❖ *\$43.2 million each year for fiscal years 2022-2026*
- *\$250 million provided for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities.*
  - *At least \$50 million must be used to address irrigation and power systems*
  - *\$200 million will be used to address safety of dams, water sanitation, and other facilities*
  - *\$50 million each year for fiscal years 2022 – 2026.*

# 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*
- *President's Budget Request*



# 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!