



National
Congress of
American
Indians

Legislative Update, Appropriations, and the Tribal Interior Budget Council

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Topics in Presentation

- NCAI Background
- Legislative Update
- FY 2017 Appropriations
 - Interior
 - Commerce-Justice-Science
- TLOA Integrated Law Enforcement Proposal
- TIBC Updates



A Unified Voice For Indian Country

- Serves the broad interests of tribal governments and communities.
- A representative congress of American Indian and Alaska Native tribes
- United to protect and enhance treaty and sovereign rights while securing our traditional laws, cultures, and ways of life for our descendants.
- Advance a common understanding of the rightful place of tribes in the family of American governments.

Legislative Update

- Congressional Calendar
 - Few weeks left in Congress
 - General rule: if a bill has not passed at least one chamber by June – then a long shot for passage
- Ready for action and potential to pass:
 - Tribal Labor Sovereignty Act
 - Commitment that will be in a must pass bill
 - Possibly CR or other must pass legislation/or in lame duck
 - Victims of Crime Act Funding

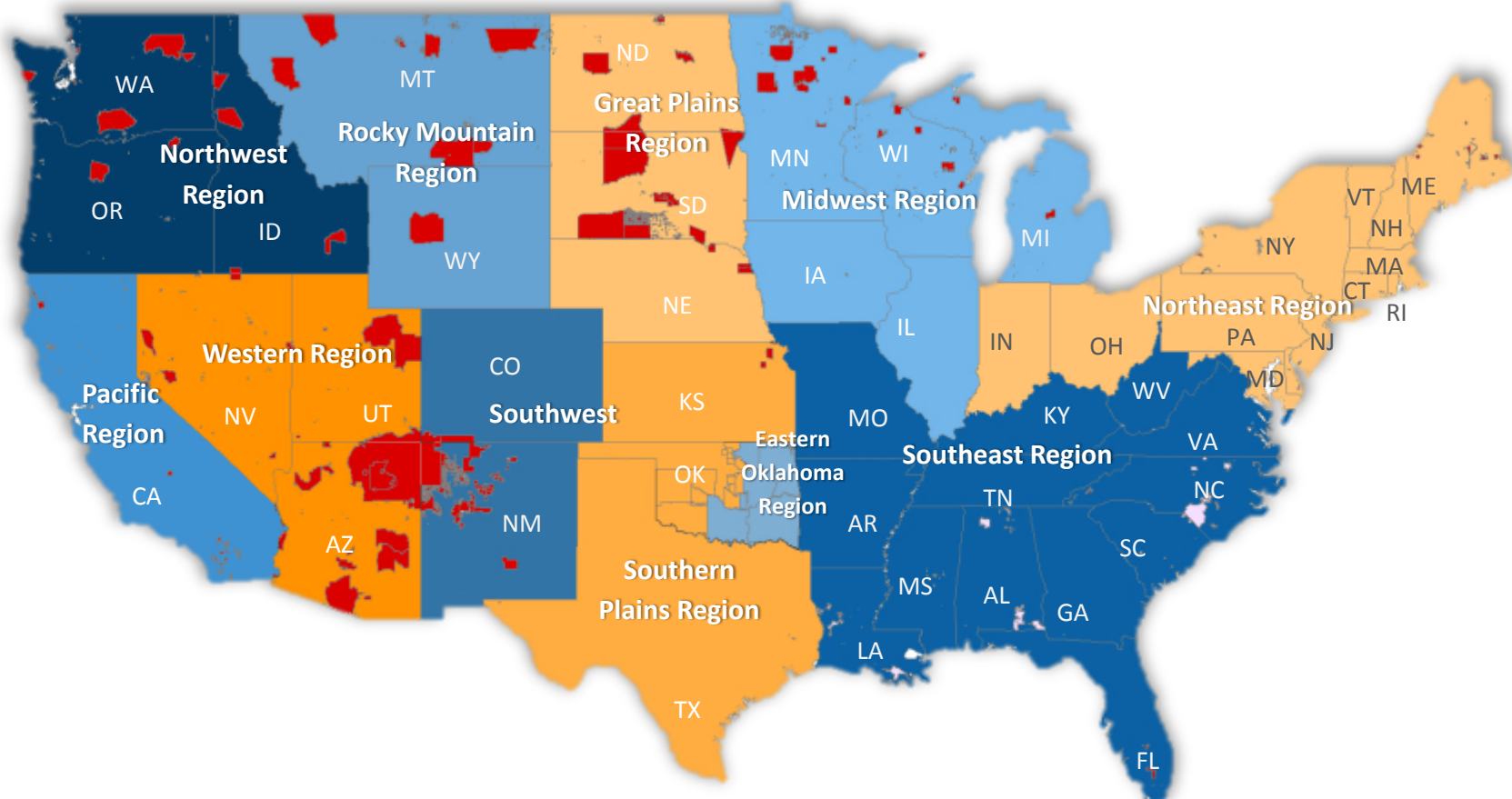
Legislative Update

- Could move due to emergency nature and late actions:
 - IHS legislation to increase hiring and bring accountability to IHS:
 - Barrasso/Thune – Senate Bill
 - Noem
 - Employer Mandate
- Discussion Draft Legislation
 - Tribal Law and Order Act
 - Tester's Tribal Youth and Community Protection Act
 - Lankford Amendment on Marijuana

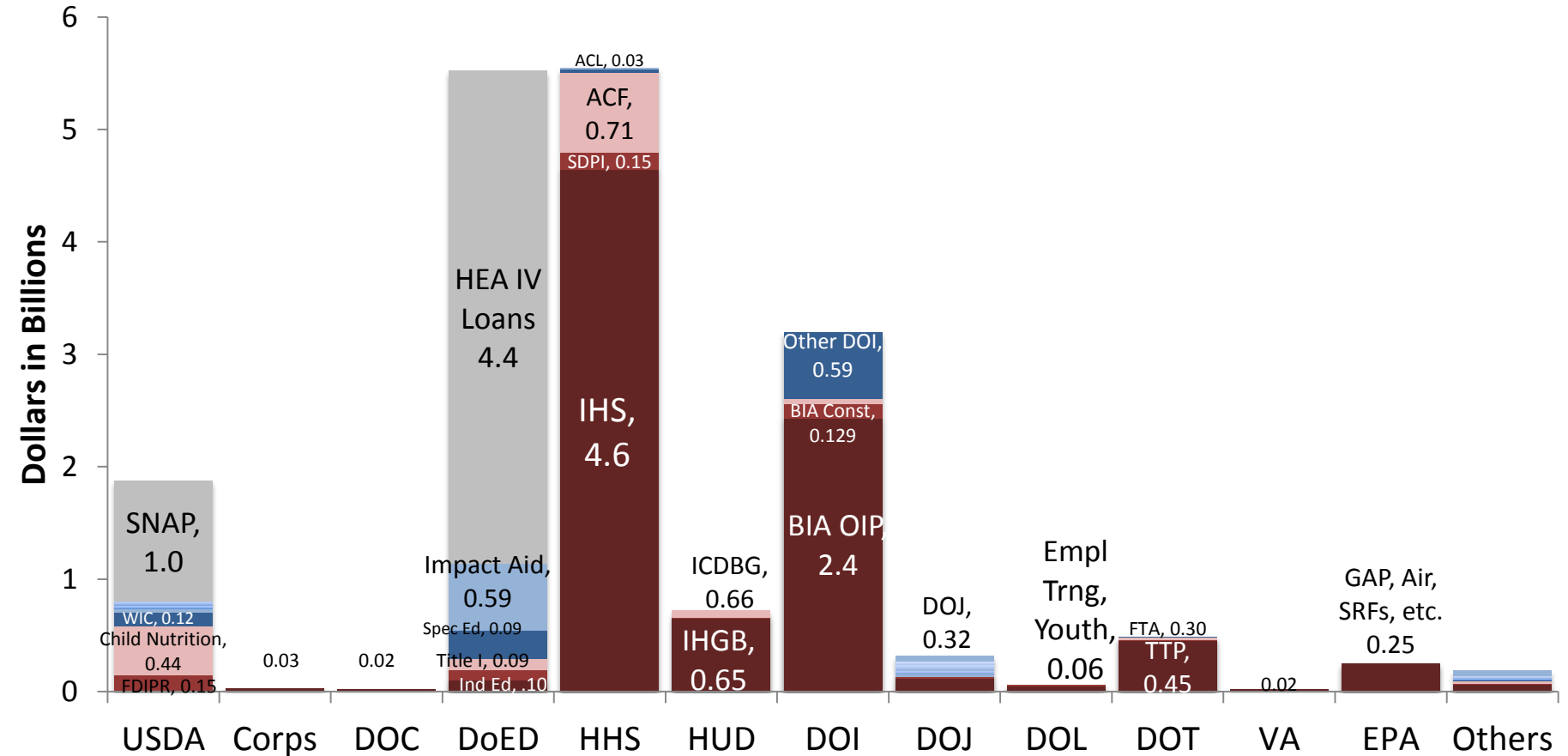
Legislative Update

- Legislation that should be moving, but hasn't:
 - NAHASDA
 - Self-Governance
- Appropriations Update

NCAI Regions



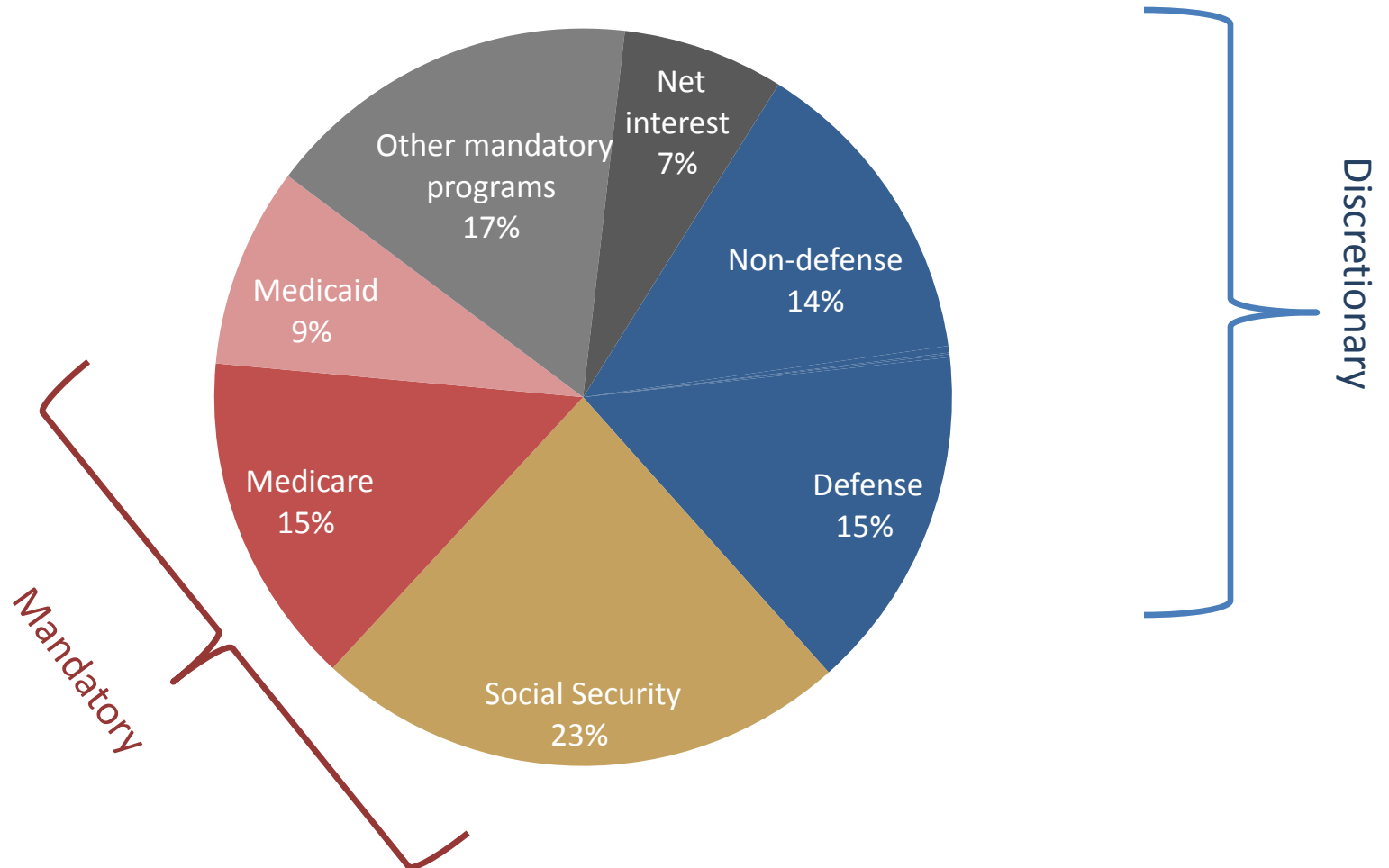
Federal Programs Serving Tribes and Native American Communities (\$ in Billions)



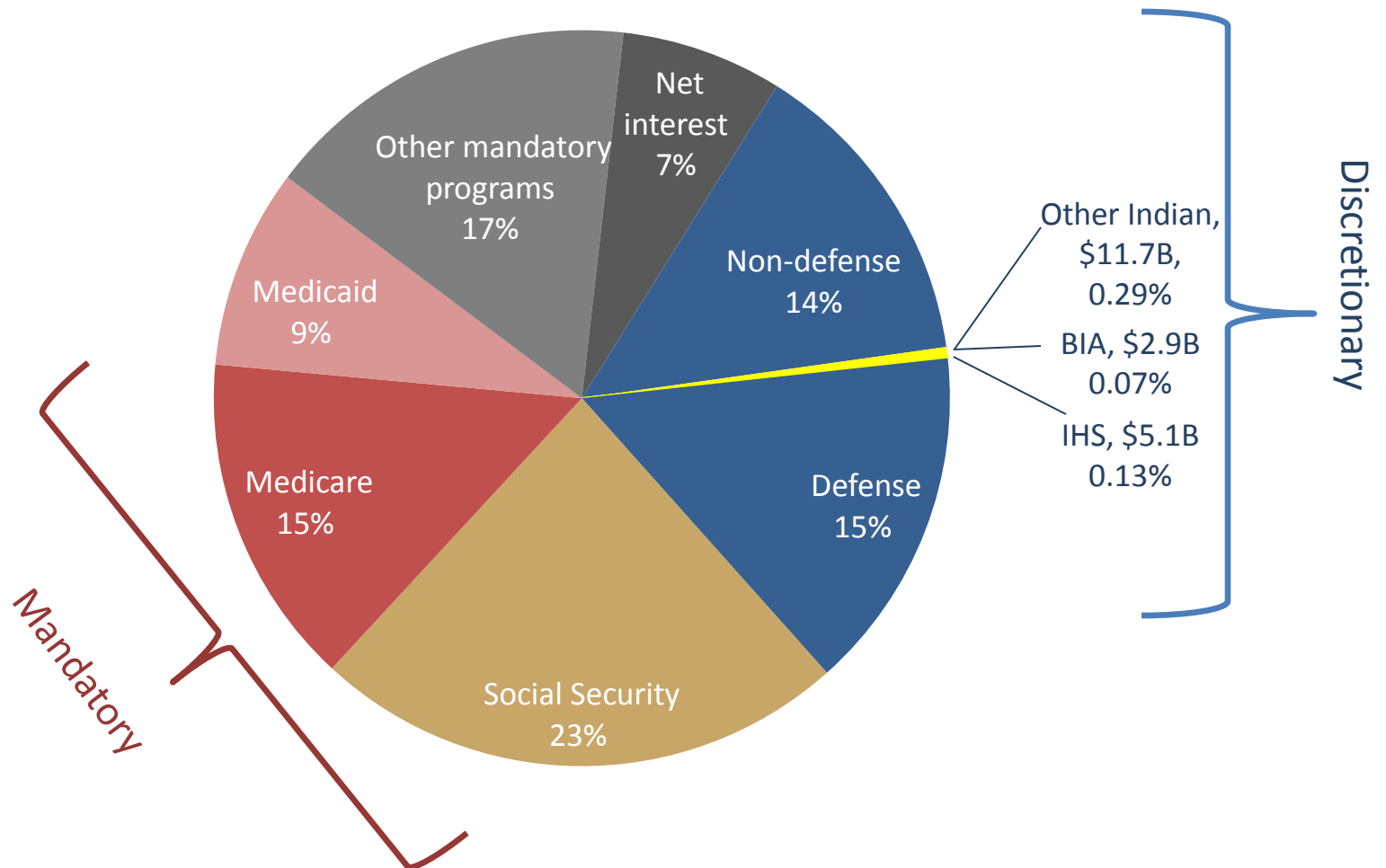
Quiet Crisis Recommendations in 2003

- 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 Outlays



FY2016 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. HR 5538 S 3068	25-May voice vote	15-Jun roll call 31- 18	July 14 roll call 231-196	14-Jun voice vote	16-Jun roll call 16-14			
Labor-HHS-Ed. House draft S 3040	July 7 Voice Vote	July 14		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 6; none have become law
- Lawmakers have left for their conventions
- Congress reconvenes in September
- CR of some length until post elections
 - Lamé Duck Omnibus or
 - 6 month CR

Costs of a Dysfunctional Budget Process

- Last time all 13 bills were enacted was **1997**.
- That has successfully happened **only 3** times since the beginning of the current budget process began in 1974.
- 116 days of the government being **shutdown**.
- Federal agencies
 - Delayed hiring and personnel actions & morale issues
 - Training and travel delays
 - Changes in contracting practices
 - Increasing costs
 - Reduced effectiveness & efficiency
- Others
 - Compacts and contractors

Historical Record of the Congressional Budget Process

FY	President	Budget Resolution	Bills on Time	Days Shutdown	3 Branches
1978	Carter	yes	9	28	D
1979	Carter	yes	5	18	D
1980	Carter	yes	3	11	
1981	Reagan	yes	1	--	Split
1982	Reagan	yes	0	2	
1983	Reagan	yes	1	4	Split
1984	Reagan	yes	4	3	
1985	Reagan	yes	4	3	Split
1986	Reagan	yes	0	--	
1987	Reagan	yes	0	1	Split
1988	Reagan	yes	0	1	
1989	Bush 41	yes	13	--	Split
1990	Bush 41	yes	1	--	
1991	Bush 41	yes	0	3	Split
1992	Bush 41	yes	3	--	

FY	President	Budget Resolution	Bills on Time	Days Shutdown	3 Branches
1993	Clinton	yes	1		D
1994	Clinton	yes	2		
1995	Clinton	yes	13		Split
1996	Clinton	yes	0	26	
1997	Clinton	yes	13		Split
1998	Clinton	yes	1		
1999	Clinton	no	1		Split
2000	Clinton	yes	4		
2001	Bush 43	yes	2		R
2002	Bush 43	yes	0		
2003	Bush 43	no	0		R
2004	Bush 43	yes	3		
2005	Bush 43	no	1		R
2006	Bush 43	yes	2		
2007	Bush 43	no	1		Split
2008	Bush 43	yes	0		
2009	Obama	yes	3		D
2010	Obama	yes	1		
2011	Obama	no	0		Split
2012	Obama	no	1		
2013	Obama	no	1		Split
2014	Obama	no	0	16	

Overarching Issues

- Tribal fiscal autonomy versus federal treaty and trust responsibility

Issues with program data/performance data:

- On one hand, resist reporting as part of fiscal autonomy, self-determination
 - Or, embrace data as part of holding federal government accountable
- Data sovereignty: NSF work
 - Tribal capacity
 - Quantifying positive/negative spillover effects
 - Need for economic analysis

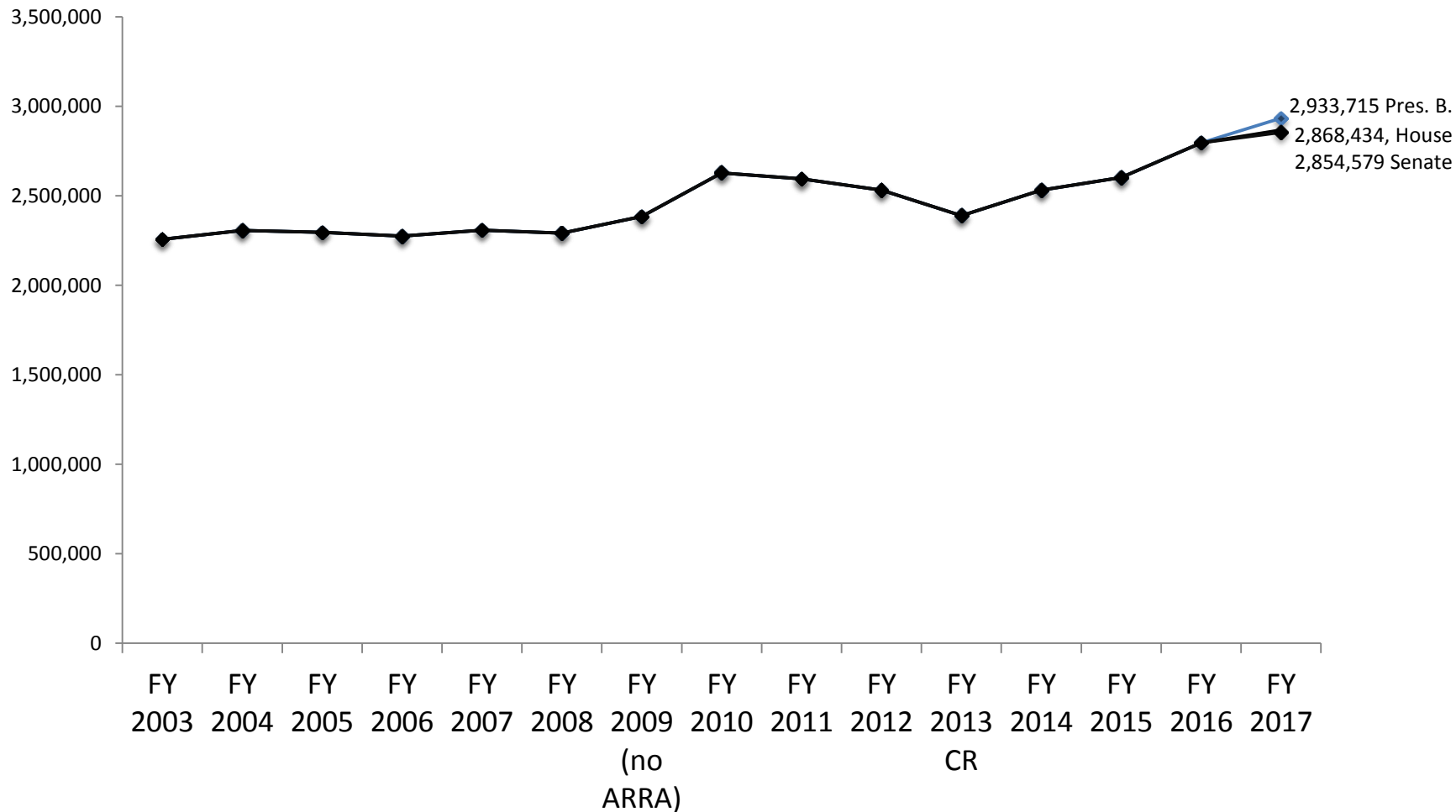
Overall Interior Appropriations

Status: House passed last week; Approved by Senate Appropriations Committee

- The House passed the Interior bill for the first time since 2009.
- White House has issued veto threat.

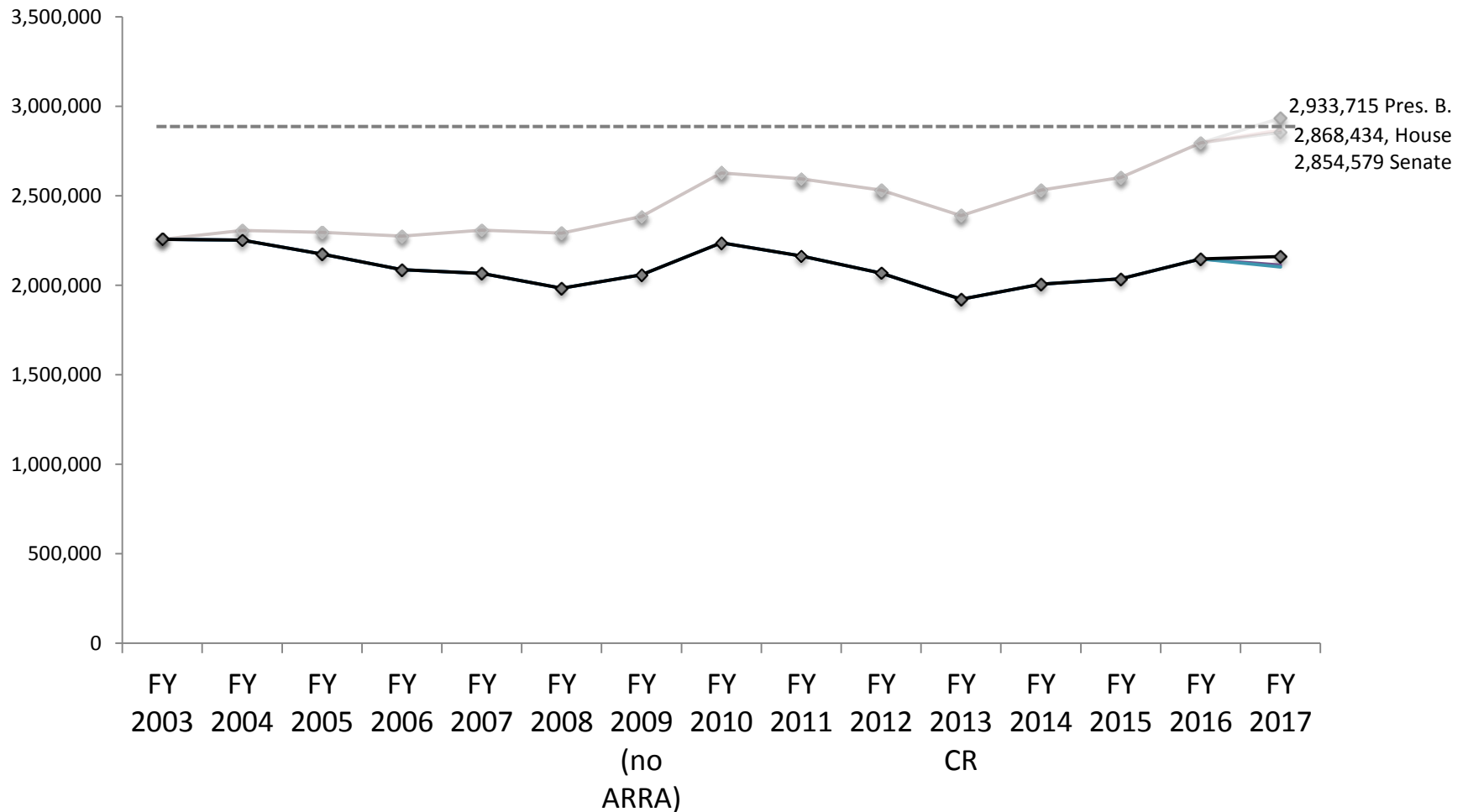
(dollars in thousands)	Enacted FY16	Pres. Budget	House	Senate
BIA/BIE	2,796,120	2,933,715	2,868,434	2,854,579
versus Enacted		137,595	72,314	58,459
versus Enacted %		4.9%	2.6%	2.1%
versus Pres Budget			-65,281	-79,136

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.

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Overall Change, Nominal vs. Inflation-Adjusted

	Nominal	Δ from previous FY	% Δ from Previous Year	Constant dollars	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

	FY 2016	FY 2017	House	Senate	% Change from FY16	
(Amounts in Thousands)	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%

Public Safety

	FY 2016	FY 2017	House	Senate	% Change from FY16	
(Amounts in Thousands)	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

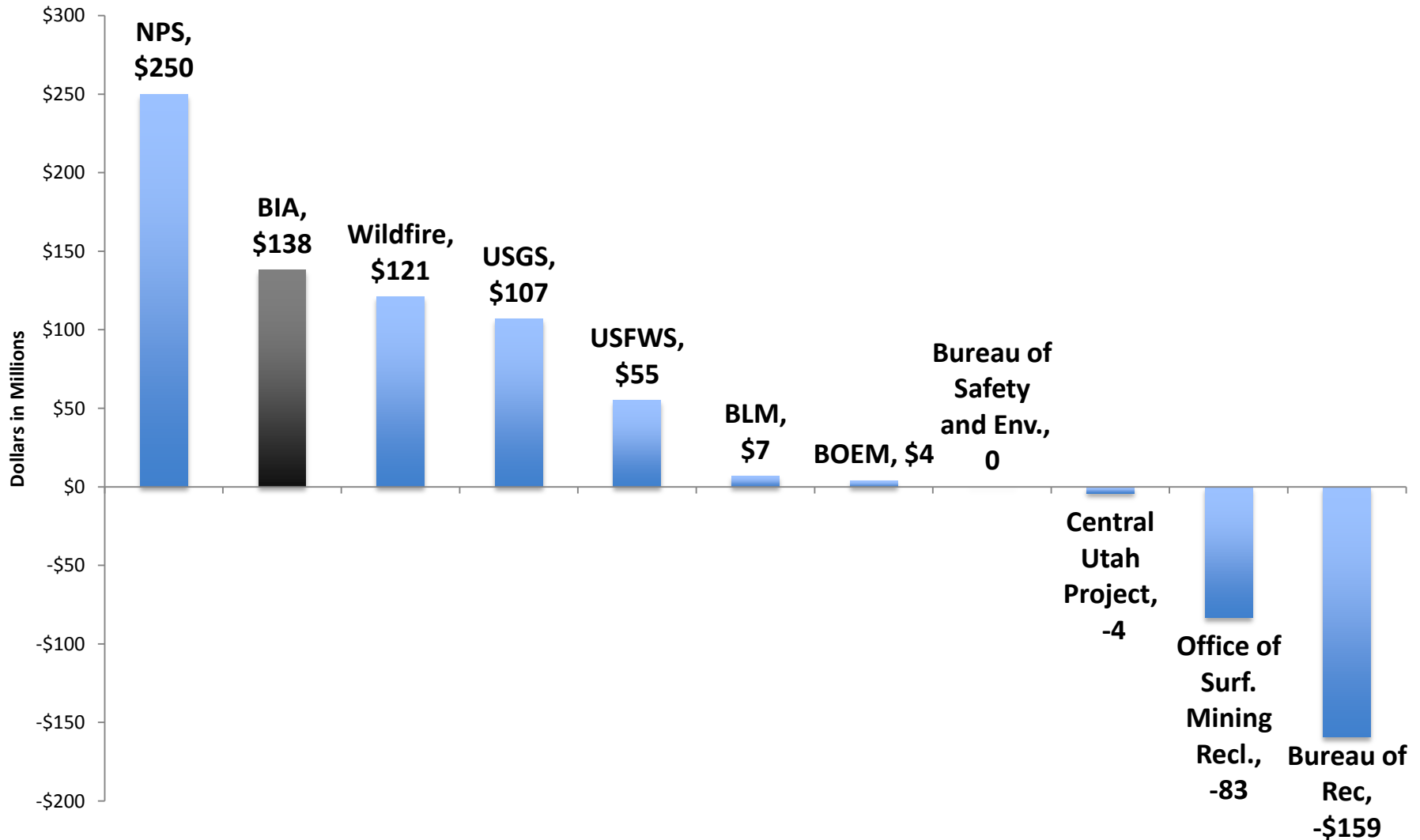
- *Indian Affairs Priorities*. The Administration appreciates the funding level for Indian Affairs programs as a whole.
- However...the bill **fails to provide**
 - broadband and digital services in Indian schools,
 - facilitate access to Federal programs through a Native One-Stop Support Center, or
 - 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.

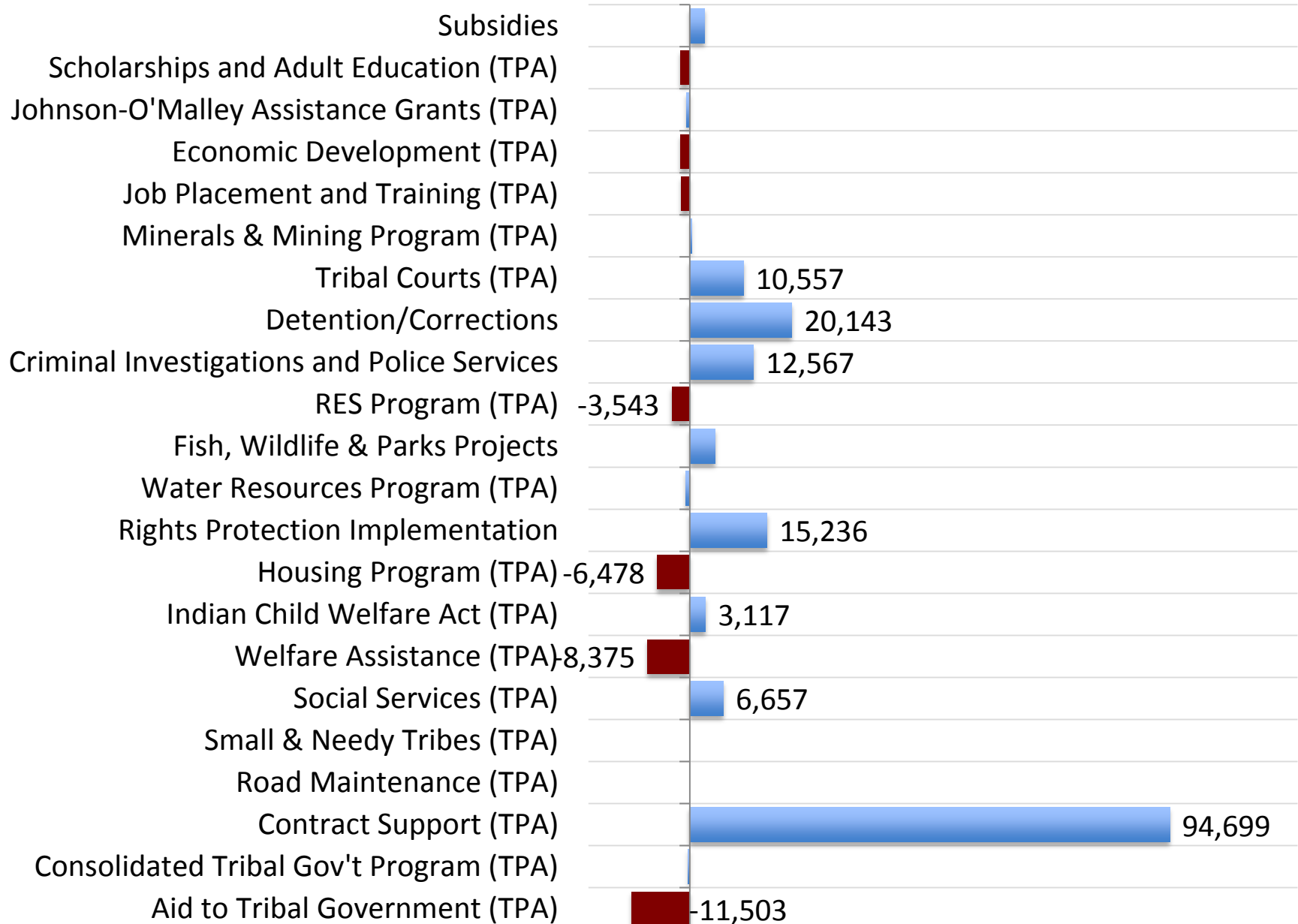
- The Administration opposes section 125 of the bill, which would block DOI from implementing, administering, or enforcing the final Federal acknowledgment rule.
- Blocking this rule leaves the Federal acknowledgement program without a governing structure, effectively halting the Administration's role 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.

Assessing Tribal Advocacy Efforts

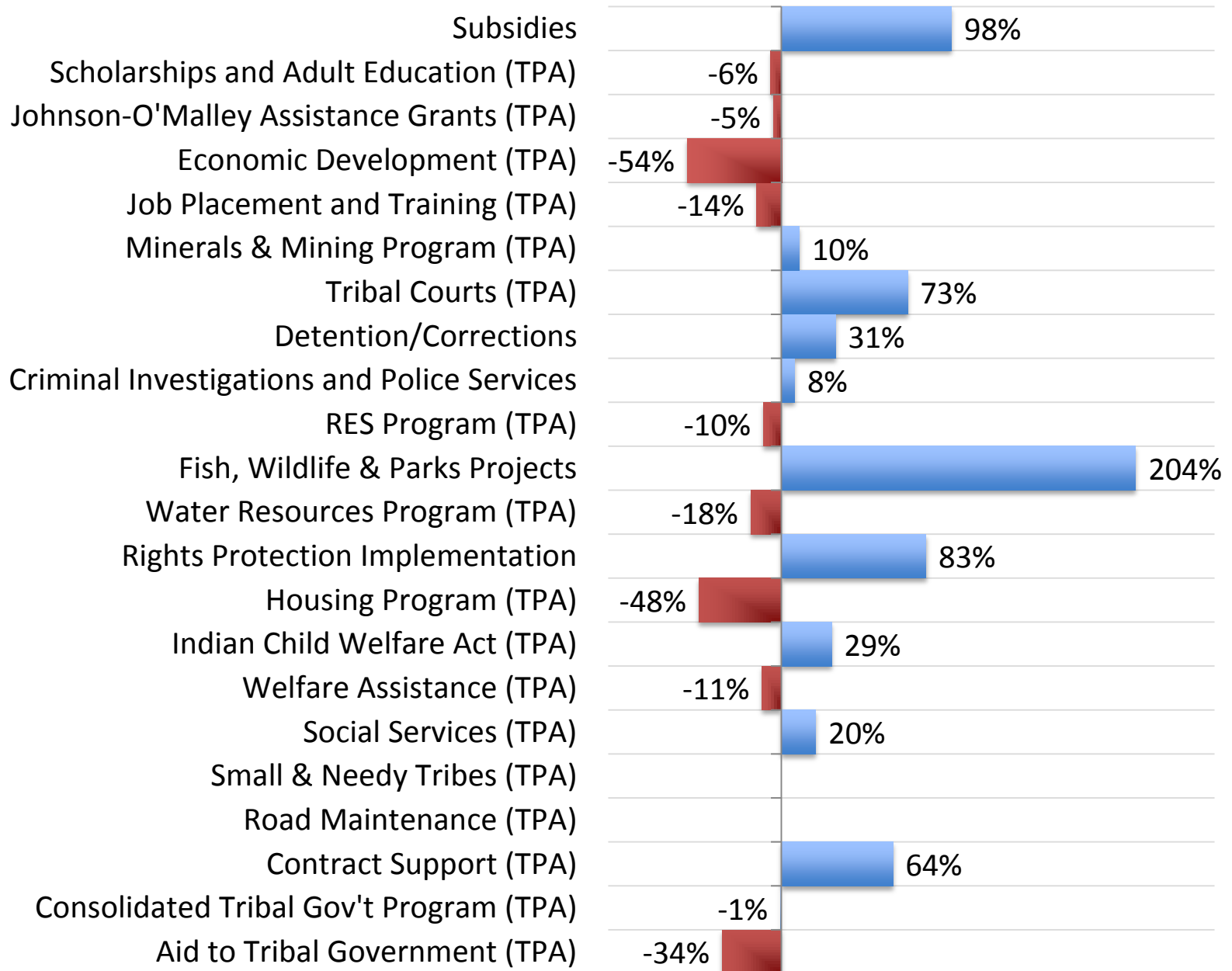
Department of Interior Proposed Changes in FY17 Budget



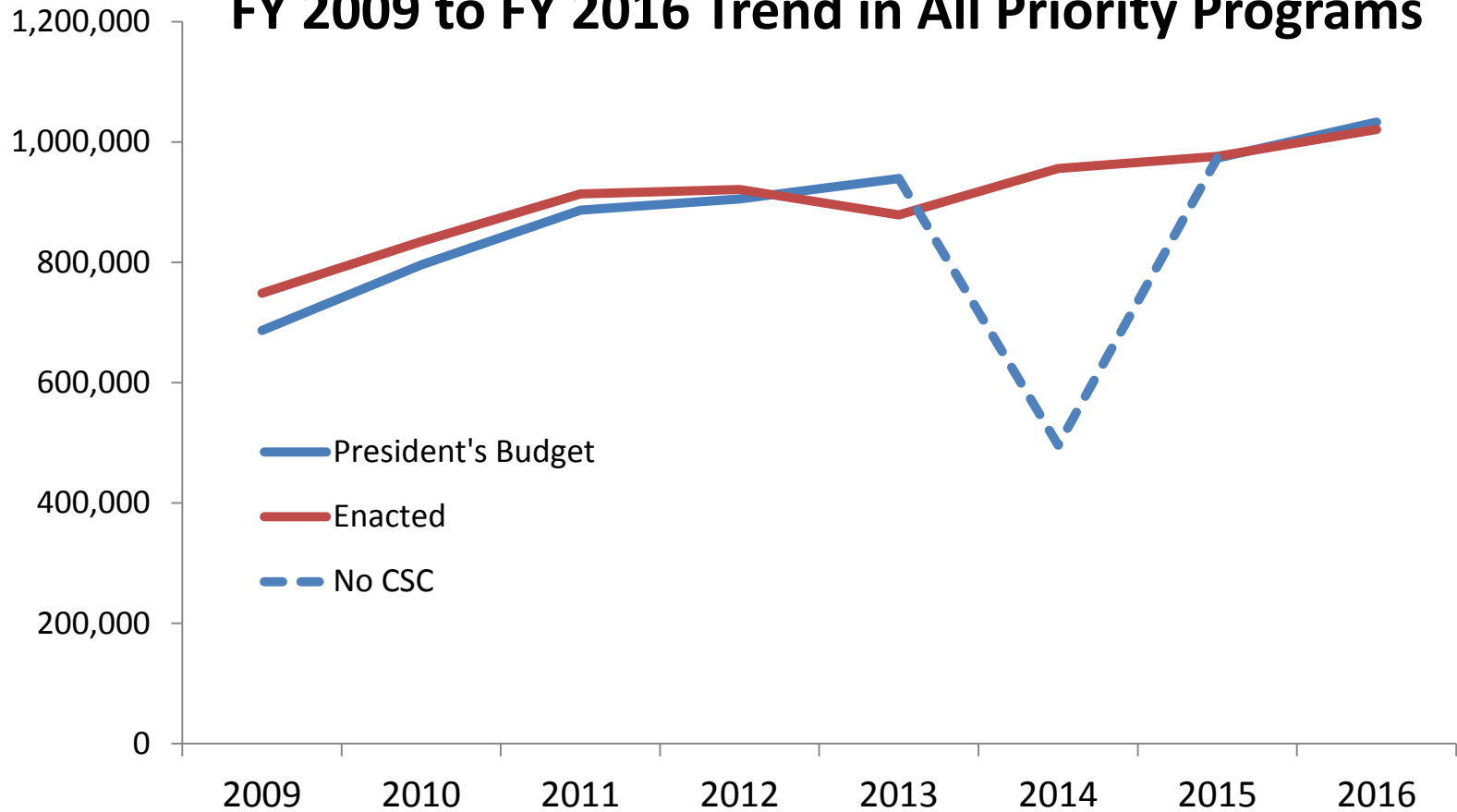
Tribal Priorities FY09 to FY16 Δ, Inflation Adjusted (\$ in thousands)



FY2009 to 2016 % Difference



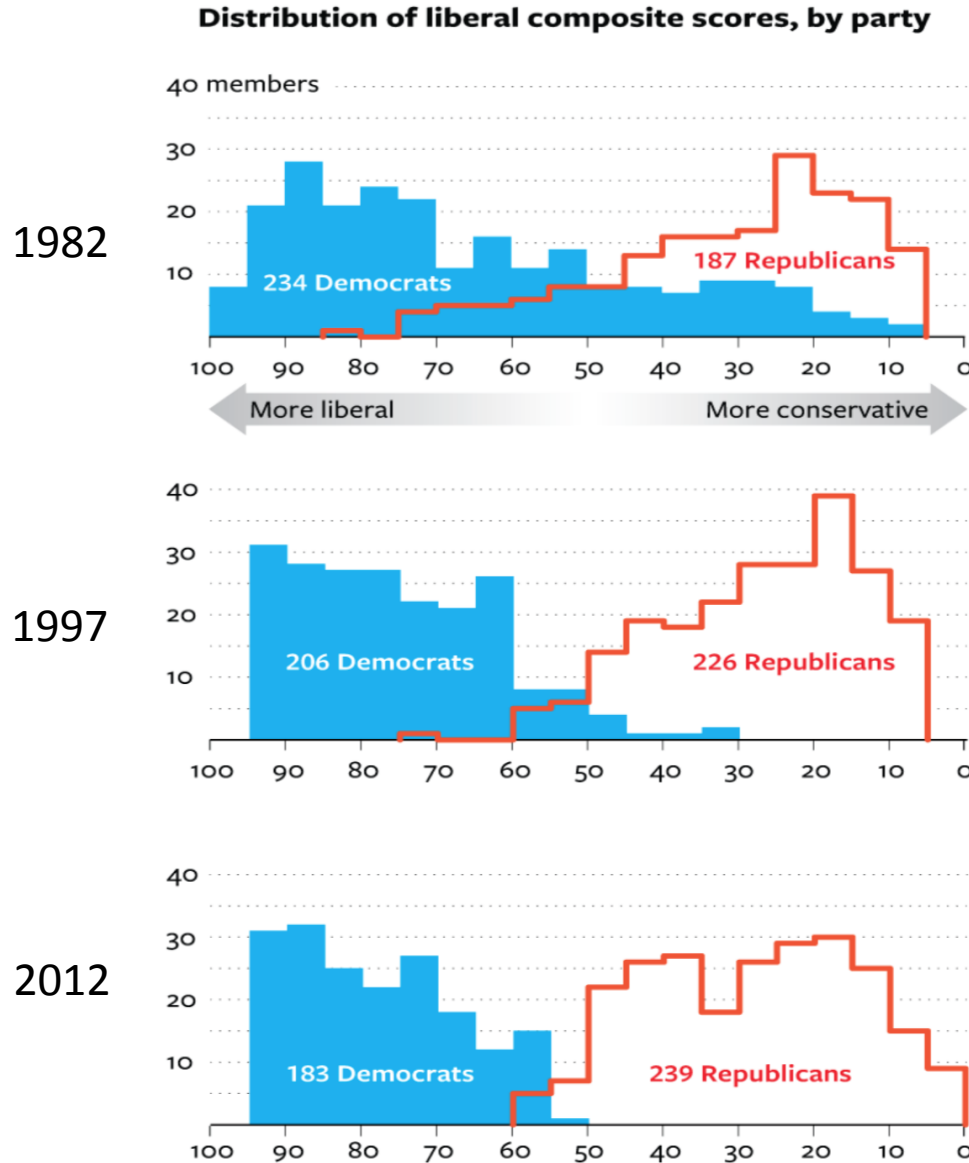
FY 2009 to FY 2016 Trend in All Priority Programs



	2009	2016	Overall Change	% Change
Enacted	775,215	1,020,960	245,745	32%
Deflated	775,215	908,327	133,112	17%

“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 up to 9 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).
- **Maintain competitive grant programs in certain project-specific areas**
- **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

- **Public Safety Funding Resolution:** Supporting the Senate levels in the Commerce, Justice, Science spending bill for tribal programs.
- Recommended improved metrics (unmet needs/unmet obligations) project and a Continuing Quality Improvement Project.

Policy and Budget

- Resolutions Passed at TIBC
 1. Supporting Tribal Nation Building, Growth, and the Upholding of the Federal Treaty and Trust Responsibility in the Department of the Interior Strategic Plan
 2. Supporting Enactment of Legislation that Would Exempt Tribal Governments from the Employer Shared Responsibility Mandate