



## FY 2016 Consolidated Appropriations Act Text Released

The House and Senate Appropriations committees filed a \$1.15 trillion FY2016 omnibus spending bill early Wednesday morning. The bill ([HR 2029, Consolidated Appropriations Act, 2016](#)) rolls all twelve of the regular spending bills into one, providing updated funding and guidance to federal agencies through Sept. 30, 2016. The Interior-Environment bill funds the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS), among other tribal programs. The Labor-Health and Human Services bill funds SAMHSA, Administration for Children and Families, and Department of Education. The links to explanatory statements for relevant divisions of the bill are below. At this late date, the massive federal spending bill appears likely to become law, and a federal government shutdown would be avoided.

[DIVISION G](#)—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016

[DIVISION H](#)—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016

[DIVISION A](#)—Agriculture, Rural Development, and Related Agencies Appropriations Act, 2016

[DIVISION B](#)—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016

[DIVISION D](#)—Energy and Water Development and Related Agencies Appropriations Act, 2016

[DIVISION E](#)—Financial Services and General Government Appropriations Act, 2016

[DIVISION F](#)—Department of Homeland Security Appropriations Act, 2016

[DIVISION L](#)—Transportation, HUD, and Related Agencies Appropriations Act, 2016

### Key Points for Indian Country

- The rider prohibiting the use of funds to implement the proposed rule on “Federal Acknowledgement of American Indian Tribes” was not included.
- The Tribal Labor Sovereignty Act was not included.
- BIA’s overall budget would increase by 7.5% over FY 2015 enacted, with a \$194 million increase for a total of \$2.796 billion.
- The Indian Health Service budget would increase by 3.6% above FY 2015 enacted amounts, for a total of \$4.8 billion.
- Tribal Behavioral Health Grants would be funded at \$30 million (\$15 million in the Mental Health appropriation and \$15 million in the Substance Abuse Prevention appropriation).

### Interior-Environment Appropriations

#### **Bureau of Indian Affairs**

The bill would provide \$2.796 billion for BIA and BIE, an increase of \$194.6 million over the FY 2015 enacted amount, representing a 7.5% increase. Funding would increase for education programs, public safety programs, Tiwahe, some natural resources programs, and social services. (The Tiwahe initiative is a comprehensive and integrated approach to address the interrelated problems of poverty, violence, and substance abuse in American Indian communities.)

Education: Significant increases include a \$63.7 for education construction which should complete the 2004 replacement school construction list and provide \$8 million for planning and design of schools on the next list and a \$41.8 million increase to education programs. The education increases include: \$10.8 million to fully fund Tribal Grant Support Costs; \$16.5 million for forward funded elementary and secondary programs; \$5.1 million increase for forward funded postsecondary programs; fully fund Tribal Education Departments; \$2 million for information technology.

**Social Services:** The omnibus would provide a \$4 million increase for social services to implement the Tiwahe initiative.

**Public Safety:** Program increases include \$3 million for criminal investigations and police services; \$3 million for law enforcement special initiatives, \$5 million for tribal courts for Tiwahe; \$11 million for the Office of Tribal Justice Support to help implement VAWA (to work with tribes to pilot tribal court systems, including those tribes subject to full or partial state jurisdiction under PL 83-280).

**Indian Energy Service Center:** The bill includes \$4.5 million for the Indian Energy Service Center.

**Contract Support Costs:** The omnibus includes new language establishing an indefinite appropriation for contract support costs estimated to be \$277,000,000. Under the new budget structure, the full CSC that tribes are entitled to will be paid and other programs will not be reduced if payments are underestimated in the President's budget.

<b>BIA</b>	<b>FY 2015 Enacted</b>	<b>FY 2016 Budget</b>	<b>Final Bill</b>	<b>Final Bill vs FY 2015</b>	<b>Bill vs. Request</b>
<b>Tribal Government:</b>					
Aid to tribal government	24,614	24,833	24,833	219	---
Consolidated tribal government program	76,348	77,088	77,088	740	---
Self-governance compacts	158,767	162,321	162,321	3,554	---
Contract support	246,000	272,000	---	-246,000	-272,000
Indian self-determination fund	5,000	5,000	---	-5,000	-5,000
New tribes	463	464	464	1	
Small and needy tribes	1,845	3,095	1,845	---	-1,250
Road maintenance	26,461	26,693	26,693	232	
Tribal government program oversight	8,181	12,273	8,273	92	-4,000
<b>subtotal</b>	<b>547,679</b>	<b>583,767</b>	<b>301,517</b>	<b>-246,162</b>	<b>-282,250</b>
<b>Human Services:</b>					
Social services	40,871	47,179	45,179	4,308	-2,000
Welfare assistance	74,809	74,791	74,791	-18	---
Indian child welfare act	15,433	15,641	15,641	208	---
Housing improvement program	8,009	8,021	8,021	12	---
Human services tribal design	407	246	246	-161	---
Human services program oversight	3,105	3,126	3,126	21	---
<b>subtotal</b>	<b>142,634</b>	<b>149,004</b>	<b>147,004</b>	<b>4,370</b>	<b>-2,000</b>
<b>Trust -Natural Resources Management:</b>					
Naturel resources, general	5,089	8,168	5,168	79	-3,000
Irrigation operations and maintenance	11,359	12,898	11,398	39	-1,500
Rights protection implementation	35,420	40,138	37,638	2,218	-2,500
Tribal management/development program	9,244	14,263	9,263	19	-5,000
Endangered species	2,675	3,684	2,684	9	-1,000
Cooperative landscape conservation	9,948	30,355	9,955	7	-20,400
Integrated resource information program	2,996	3,996	2,996	---	-1,000
Agriculture and range	30,494	30,751	30,751	257	---
Forestry	47,735	51,914	51,914	4,179	---
Water resources	10,297	14,917	10,367	70	-4,550
Fish, wildlife and parks	13,577	15,646	13,646	69	-2,000

Resource management program oversight	6,018	6,066	6,066	48	
subtotal	184,852	232,796	191,846	---	-40,950
Trust Real Estate Services	127,002	143,686	127,486	484	-16200
<b>subtotal</b>	<b>184,852</b>	<b>232,796</b>	<b>191,846</b>	<b>6994</b>	<b>-40950</b>
Elementary and secondary pgms (fw funded)	536,897	565,517	553,458	16,561	-12,059
(Tribal grant support costs)	(62,395)	(75,335)	(73,276)	(+10,881)	(-2,059)
Post-secondary programs (forward funded)	69,793	69,793	74,893	5,100	5100
Subtotal, forward funded education	606,690	635,310	628,351		-6959
Elementary and secondary programs	119,195	142,361	134,263	15,068	-8,098
Post-secondary programs	64,182	69,412	64,602	420	-4,810
Education management	20,464	57,381	25,151	4,687	-32,230
<b>Subtotal, Education</b>	<b>810,531</b>	<b>904,464</b>	<b>852,367</b>	<b>41,836</b>	<b>-52,097</b>
<b>Public Safety and Justice</b>					
Law enforcement	328,296	334,976	347,976	19,680	13,000
tribal courts	23,280	28,173	28,173	4,893	---
fire protection	1,274	1,274	1,274	---	---
<b>subtotal</b>	<b>352,850</b>	<b>364,423</b>	<b>377,423</b>	<b>24,573</b>	<b>13,000</b>
Community and economic development	35,996	40,619	40,619	4,623	---
Executive direction/administrative services	227,692	241,832	229,662	1,970	-12170
(No-year funds in bill language)	(48,553)	(46,663)	(43,813)	(-4,740)	
<b>Total Operation of Indian Programs</b>	<b>2429236</b>	<b>2,660,591</b>	<b>2,267,924</b>	<b>-161,312</b>	<b>-392,667</b>
<b>Contract Support Cost</b>			<b>272,000</b>	<b>272,000</b>	<b>272,000</b>
<b>Indian self-determination fund</b>			<b>5,000</b>	<b>5,000</b>	<b>5,000</b>
<b>Construction</b>					
Education	74,501	133,245	138,245	63,744	5,000
Public Safety and Justice	11,306	11306	11,306	---	---
Resources management	34,427	34,488	34,488	61	---
General Administration	8,642	9,934	9,934	1,292	---
<b>Subtotal</b>	<b>128,876</b>	<b>188,973</b>	<b>193,973</b>	<b>65,097</b>	<b>5,000</b>
Indian Guaranteed Loan	7,731	7,748	7,748	17	---
<b>Total BIA and BIE</b>	<b>2,601,498</b>	<b>2,924,968</b>	<b>2,796,120</b>	<b>194,622</b>	<b>-128,848</b>
Percent Difference				<b>7.5%</b>	<b>-4.4%</b>

### Indian Health Service

The bill would provide a total of \$4.807 billion for IHS, a 3.6% increase over the FY 2015 enacted amount. Increases include: \$10 million for the alcohol and substance abuse program to focus on tribal youth, \$1.4 million for Dental Health, and \$2 million for operating shortfalls at community health clinics.

An increase of \$12.9 million is for staffing of newly opened health facilities.

The omnibus also includes \$2 million in “new, flexible funding so that the Director may take actions necessary to ensure that CMS accreditation status is reinstated and retained, and, once accreditation has been reinstated, to restore third-party insurance reimbursement shortfalls.”

Contract Support costs: The omnibus provides an indefinite appropriation for contract support costs estimated to be \$717,970,000.

IHS	FY 2015 Enacted	FY 2016 President's Budget	Final Bill	Bill vs FY 2015	Bill vs. Request
Hospital and health clinics	1,836,789	1,936,323	1,857,225	20,436	-79,098
Dental Health	173,982	181,459	178,286	4,304	-3173
Mental Health	81145	84,485	82100	955	-2,385
Alcohol and substance abuse	190,981	227,062	205,305	14,324	-21,757
Purchased/Referred Care	914,139	984,475	914,139	---	-70,336
<b>Subtotal</b>	<b>3,197,036</b>	<b>3,413,804</b>	<b>3,237,055</b>	<b>40,019</b>	<b>-176,749</b>
Public Health Nursing	75,640	79,576	76,623	983	-2,953
Health Education	18,026	19136	18,255	229	-881
Community Health Representatives	58,469	62,363	58,906	437	-3,457
Immunization AK	1826	1950	1950	124	---
<b>Subtotal</b>	<b>153,961</b>	<b>163,025</b>	<b>155,734</b>	<b>1,773</b>	<b>-7,291</b>
Urban Health	43,604	43,604	44,741	1137	1137
Indian Health Professions	48,342	48,342	48,342		
Tribal Management Grants	2,442	2,442	2,442		
Direct Operations	68,065	68,338	72,338	4,273	4,000
Self-Governance	5,727	5,735	5,735	8	
Contract Support Costs	662,970	717,970	---	-662,970	-717,970
<b>Subtotal</b>	<b>831,150</b>	<b>886,431</b>	<b>173,598</b>	<b>-657,552</b>	<b>-712833</b>
<b>Total Indian Health Service</b>	<b>4,182,147</b>	<b>4,463,260</b>	<b>3,566,387</b>	<b>-615,760</b>	<b>-896,873</b>
<b>Contract Support</b>			<b>717,970</b>	<b>717,970</b>	<b>717,970</b>
<b>Facilities</b>					
Maintenance & Improvement	53,614	89,097	73,614	20,000	-15,483
Sanitation Facilities Construction	79,423	115138	99,423	20,000	-15,715
Health Care Facilities Construction	85,048	185,048	105,048	20,000	-80,000
Facilities & Envir Health Support	219,612	226,870	222,610	2,998	-4,260
Equipment	22,537	23,572	22,537	---	-1,035
<b>subtotal</b>	<b>460,234</b>	<b>639,725</b>	<b>523,232</b>	<b>62,998</b>	<b>-116,493</b>
<b>Total IHS</b>	<b>4,642,381</b>	<b>5,102,985</b>	<b>4,807,589</b>	<b>165,208</b>	<b>-295,396</b>
<b>% Difference</b>				<b>3.6%</b>	<b>-5.8%</b>

### Labor-HHS-Education

Substance Abuse and Mental Health Administration (SAMHSA): Tribal Behavioral Health Grants would be funded at \$30 million (\$15 million in the Mental Health appropriation and \$15 million in the Substance Abuse Prevention appropriation). The American Indian and Alaskan Native Suicide Prevention program would receive \$2.9 million.

SAMHSA (Dollars in millions)	FY2015 Enacted	FY2016 Request	FY 2016 Omnibus	Change from 2015
<b>Mental Health Appropriation</b>				
AI/AN Suicide Prevention Initiative	2.9	2.9	2.9	0

Tribal Behavioral Health Grants	4.9	15	15	10
<b>Substance Abuse Prevention Appropriation</b>				
Tribal Behavioral Health Grants	--	15	15	15

### Administration for Children and Families (ACF)

Within HHS, ACF provides the largest amount of funding to American Indians/Alaska Natives outside of the funds provided by the Indian Health Service. Out of a budget of \$50 billion, ACF awards on the average \$647 million to Native Americans from the following programs: Head Start, Child Care, TANF, LIHEAP, Child Support and the Administration for Native Americans, to name a few.

(Dollars in millions)	FY2015	FY2016 Request	FY 2016 Omnibus	'16-'15
Head Start, Total Resources	8,098.0	9,467.7	9,166.1	+570
Child Care & Development Block Grant, Formula Grants	2,435.0	2,805.1	2,761	+326
Child Welfare Services, Formula Grants	268.7	268.7	268.7	0
Community Services Block Grant, Formula Grants	674.0	674.0	715.0	+41
Family Violence Prevention & Services, Formula Grants	135.0	150.0	150.0	+15.0
LIHEAP, Formula Grants	3,390	3,190	3,390	-
Administration for Native Americans	46.5	50.0	50.0	+3.5

*Domestic Violence Hotline.*-The agreement includes an increase of \$3.75 million for the Hotline, with some funds used to develop a tribal hotline.

*Native American Programs.*-The agreement includes \$3 million for the Generation Indigenous initiative focused on improving Native American language instruction across the education continuum.

### Department of Education

Department of Education Indian programs would see some moderate increases.

Department Education (Dollars in millions)	FY 2015	FY 2016 Request	FY 2016 Omnibus	Change
Impact Aid	1288.6	1288.6	1305.6	+17
Indian Student Education (Title VII)	123.9	173.9	143.9	+20.0
<i>Grants to Local Education Agencies</i>	<i>100.4</i>	<i>100.4</i>	<i>100.4</i>	-
<i>Special Programs for Indian Children</i>	<i>17.9</i>	<i>67.9</i>	<i>37.9</i>	<i>+20.0</i>
<i>National Activities</i>	<i>5.6</i>	<i>5.6</i>	<i>5.6</i>	-
Native Hawaiian Student Education	32.4	33.4	33.4	+1
Alaska Native Education Equity Assistance Program	31.4	32.4	32.4	+1
Strengthening AN/NH-Serving Inst (discretionary)	12.8	12.8	13.802	+96
Strengthening TCUs (discretionary)	25.6	25.6	27.589	+1.9
Tribally Controlled Posts and Technical Institutions	7.7	7.7	8.286	+58
Strengthening NA-Serving Nontribal Inst (Disc.)	3.1	3.1	3.3	+1.9

Native Youth Community Projects: Within Special Programs for Indian Children, the omnibus includes \$22.89 million for Native Youth Community Projects, which makes competitive awards to support

culturally-relevant coordinated strategies to improve the college- and career-readiness of Native American youth.

### **Commerce-Justice-Science**

#### **Department of Justice**

- The Victims of Crime Act (VOCA) cap was set at over \$3 billion, but still includes nothing for tribes.
- The omnibus includes \$2.5 million for Special Domestic Violence Criminal Jurisdiction implementation, which is the first time that has been funded.
- The bill did not adopt the 7% across the board set-aside at the Office of Justice Programs. The omnibus would appropriate \$30 million for “tribal assistance” instead.
- VAWA appropriations overall would increase, which will mean more in the core tribal VAWA programs.
- The bill includes \$10 million for the Tribal Youth Program.
- \$30 million for the COPS tribal hiring program.

### **Transportation and Housing**

#### **Housing and Urban Development:**

- NAHASDA funding would be \$650 million.
  - Language is included for reducing the formula allocation to tribes who have unspent funds that are three times the amount of funding.
- Technical Assistance and Training would receive \$3.5 million.
- Section 184 would receive \$7.8 million.
- Indian Community Development Block Grant would receive \$60 million.

#### **Department of Transportation:**

- Tribal Transportation Program \$465 million
- Tribal Transit Grant Program (Section 5311 Section (c)) \$30 million

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