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House Passes FY 2007 Interior Appropriations Bill -- On May 18, the House approved its FY 2007 Department of Interior, Environment, and Related Agencies Appropriations bill (H.R. 5386, H. Report 109-80), which funds the Bureau of Indian Affairs, Indian Health Service, and Environmental Protection Agency. The bill includes numerous restorations of decreases proposed in the Administration’s budget request, such as for urban Indian Health care and Johnson O’Malley. A detailed breakdown of the House recommended levels is attached here and highlights of the bill provisions follow. If you have any questions, contact Amber Ebarb at aebarb@ncai.org or call 202-466-776.

Bureau of Indian Affairs Summary

The Committee recommends a total of \$1,973,403,000 for the Operation of Indian Programs, \$6,809,000 above the budget request and \$11,213,000 above the FY 2006 enacted level, approximately a .57% increase.

Highlights of Operation of Indian Programs:

- In **Tribal Government and Human Services**, the House approved the \$19 million increase for contract support costs, did not restore the reduction for welfare assistance, and approved \$3.9 million for technical support for tribes pursuing self-determination contracts.
- Under **Trust – Natural Resources and Real Estate**, the House approved \$6.5 million for Cadastral Surveys, denied \$2 million for Indian energy resource development, and decreased the probate backlog request by \$1.056 million to restore decreases elsewhere.
- In **Education**, the House fully restored Johnson O’Malley at \$16.4 million, approved \$2.5 million for Education Program Management, and approved \$630,000 for the Juvenile Detention Education program. Also, the bill includes a decrease of \$3.3 million in Elementary and Secondary Education due to carryover (although BIA said the source of carry-over is unidentified). The House approved elimination of the TCU endowment grants and did not add funding for the United Tribes Technical College or the Crownpoint Institute of Technology.
- In **Public Safety and Justice**, the House approved \$1.7 million to expand law enforcement in violent crime areas, denied the \$2.7 million increase for detention facilities staffing and denied \$1.7 million for tribal justice support.

The tables below outline funding levels, followed by details of key changes and initiatives.

By Appropriation Activity/Subactivity

Operation of Indian Programs	2006	2007	House	Change
(Dollars in Thousands)	Enacted	Request	Report	from
Tribal Government			109-465	Enacted
Aid to Tribal Government	36,699	36,256	36,256	-443
Consolidated Tribal Gov't Program	61,352	63,413	63,413	2,061
Self Governance Compacts	138,079	142,761	142,761	4,682
Contract Support	132,628	151,628	151,628	19,000
Indian Self-Determination Fund	971	0	0	-971
New Tribes	1,402	316	316	-1,086

Operation of Indian Programs (Dollars in Thousands)	2006 Enacted	2007 Request	House Report 109-465	Change from Enacted
Subtotal, Tribal Government	374,689	401,738	401,738	27,049
Human Services				
Social Services	31,614	32,254	32,254	813
Welfare Assistance	85,190	74,179	74,179	-11,011
Indian Child Welfare Act	10,909	10,167	10,167	-742
Housing Improvement Program	18,830	18,849	18,849	19
Human Services Program Oversight	3,873	3,936	3,936	63
Subtotal, Human Services	150,416	139,385	139,385	-11,031

Operation of Indian Programs

The committee recommended the same levels for Tribal Government and Human Services accounts as proposed by the President, which includes a decrease of \$11 million for Welfare Assistance. The bill includes language as proposed by the Administration to allow the Secretary to exceed the welfare budget cap in cases of designated Federal disasters.

Operation of Indian Programs (\$ in thousands)	2006 Enacted	2007 Request	House Report 109-465	Change from Enacted
Trust - Natural Resources Management				
Natural Resources, General	4,925	4,158	4,158	-767
Irrigation Ops. and Maintenance	13,042	12,480	12,480	-562
Rights Protection Implementation	21,262	18,148	19,148	-2,114
Tribal Mgmt./Development Program	10,146	4,315	4,315	-5,831
Unresolved Hunting & Fishing Rights	0	0	0	0
Endangered Species	1,192	230	230	-962
Integrated Resource Information Prog	1,250	1,250	1,250	0
Agriculture and Range	24,272	23,554	23,554	-718
Forestry	42,137	43,094	43,094	957
Water Resources	11,502	9,713	9,713	-1,789
Fish, Wildlife and Parks	6,281	6,525	6,525	-19
Minerals and Mining	8,162	8,179	9,464	3,285
Resource Mgmt Program Oversight	8,735	8,322	8,322	-724
Subtotal, Trust-NR Management	150,359	152,754	141,510	-11,244
Trust - Real Estate Services				
Trust Services, General	11,069	10,492	10,492	-577
Navajo-Hopi Settlement Program	1,139	1,162	1,162	23
Probate	15,708	19,075	18,019	+2,311
Land Title and Records Offices	13,436	13,835	13,835	399
Real Estate Services	40,578	47,647	47,647	7,069
Land Records Improvement	7,891	16,801	16,801	8,910
Environmental Quality	11,988	12,000	12,000	12
Alaskan Native Programs	1,391	1,001	1,001	-390
Rights Protection	14,274	14,345	14,345	71
Real Estate Services Oversight	24,368	16,291	16,291	-8,077
Subtotal, Trust-Real Estate Services	141,842	152,649	151,593	+9,751

Trust – In natural resources management, an increase of \$1,000,000 is provided for the Washington timber-fish-wildlife program, and should be used for the mass marking of salmon. A decrease of \$2,000,000 is for

Energy Policy Act of 2005 program implementation. The Committee agrees with the requested increase for trust services to implement reforms to address the probate backlog; however, a reduction of \$1,056,000 within the requested increase for probate backlog is necessary to restore decreases elsewhere in the 2007 budget request.

Operation of Indian Programs, cont'd (\$ in thousands)	2006 Enacted	2007 Request	House Report 109-465	Change from Enacted
Education				
Elementary and Secondary Programs - Forward Funded	449,721	457,750	457,352	-398
Elementary and Secondary Programs	76,218	77,223	73,859	-6,364
Post Secondary Programs	101,267	102,674	103,161	+487
Education Management	10,566	8,783	17,842	+9,059
Subtotal, Education Programs	637,772	646,430	652,214	+5,784
Public Safety and Justice				
Law Enforcement	193,377	201,620	197,426	+4,049
Tribal Courts	17,621	12,109	12,109	-5,512
Fire Protection	1,144	0	0	-1,144
Subtotal, Public Safety and Justice	212,142	213,729	209,535	-2,607
Community And Economic Development				
Job Placement and Training	8,396	8,467	8,467	71
Economic Development	4,407	4,401	4,401	-6
Road Maintenance	27,386	25,336	25,336	-2,050
Community Development	10,148	0	0	-10,148
Community Development Oversight	1,445	971	971	-474
Subtotal, Comm. & Economic Dev.	51,782	39,175	39,175	-12,607
Executive Direction & Admin. Services	232,135	238,253	238,253	6,118
TOTAL APPROPRIATION	1,962,190	1,966,594	1,973,403	+11,213

Education – “The Committee has fully restored the proposed reduction of \$16,371,000 to the Johnson-O’Malley assistance grants. The Committee feels that the justification for the reduction, that there are other programs in the government that could provide these funds, is unfounded because there is no guarantee of a one-for-one correlation between the Department of Education grant opportunities and what Johnson-O’Malley provides to the Tribes. The Committee has also reduced Education—Elementary and Secondary Programs by \$3,311,000 because this is the amount of unused prior year funds available for fiscal year 2007” (H. Rpt. 109-465, p. 74, 75).

Public Safety – “The Committee recommends \$209,535,000 for public safety and justice, \$4,194,000 below the budget request and \$2,607,000 below the 2006 enacted level. The funding provided for law enforcement should be used for high priority law enforcement needs in Indian country developed in consultation with the Tribes and Tribal leaders including, but not limited to, community policing programs and drug enforcement. The Bureau should provide the Committee a report detailing the use of law enforcement funds not later than December 31, 2006” (H. Rpt. 109-465, p. 75).

BIA Construction (\$ in thousands)	2006 Enacted	2007 Request	House Report 109-465	Change from Enacted
Education	206,787	157,441	157,441	-49,346
Public Safety and Justice	11,603	11,611	11,611	8
Resources Management	45,099	37,810	38,560	-6,539

General Administration	2,105	2,111	2,111	6
Construction Management	5,988	6,076	6,076	88
TOTAL APPROPRIATION	271,582	215,049	215,799	-55,783

Education Construction – “The Committee continues to support Indian school construction and repair funding. The Committee understands the need to slowdown new construction to allow planning and design to catch up with previously appropriated construction funding. The Committee does not, however, agree that the Bureau needs to reduce funding for new schools to finish ongoing projects. The Bureau has experienced large, unobligated carryover balances from prior years in the construction account.

The Committee directs the Bureau to report not later than March 1, 2007 on the projected obligation, by project, of the existing balance of carryover dollars as discussed during the fiscal year 2007 budget review; the time frame for obligation; the implementation of new policies and processes on enrollment projections and updated education space standards; and the modifications that have been made to strengthen existing planning and design policies” (H. Rpt. 109-465, p. 77).

Office of Special Trustee for American Indians

The House bill recommends \$150 million for OST, \$35 million below the President’s request and \$38.7 million below the enacted level for FY06.

Office of Special Trustee (\$ in thousands)	FY 2006 Enacted	FY 2007 Request	H. Rpt. 109-465	Change from 2006 enacted
Office of Special Trustee	188,774	185,036	150,036	-38,738
Indian Land Consolidation Program	34,006	59,449	34,006	0

The total change from the request is a reduction of \$35,000,000 for historical accounting which includes the use of \$15,000,000 of prior year unobligated funds to offset 2007 requirements.

“Since 1996, the Committee has appropriated hundreds of millions of dollars for activities related to the *Cobell* litigation. The Committee believes that these funds would have been better used to fund greatly needed health, law enforcement and education programs in Indian country. The Committee believes that this case must be resolved without further negatively impacting funding levels for Indian programs. The budget documents indicate continuing talks regarding a possible settlement of the *Cobell*. The Committee recognizes that, in addition to the mediation talks that have taken place, the House and Senate authorizing Committees have made commitments to develop a comprehensive legislative solution to this ongoing problem. However, the Committee remains concerned that there has been a continued use of Bureau of Indian Affairs, Operation of Indian Programs appropriated funds to pay for ongoing litigation support costs. Without a solution, this practice will continue to erode programmatic funding in Indian country. Therefore, the Committee directs the Department to report quarterly on the use of Bureau of Indian Affairs, Operation of Indian Programs funds for ongoing litigation support costs associated with the *Cobell* case” (H. Rpt. 109-465, p. 89).

Indian Land Consolidation – The House bill recommends level funding with the FY06 amount for Indian Land Consolidation.