

**BIA/Tribal Budget Advisory Council Resolution on
Administrative Holdbacks of BIA FY 2006 Funds**

WHEREAS, President Bush signed the FY 2006 Department of Interior, Environment and Related Agencies Appropriations Act, Public Law 109-54, into law on August 2, 2005; and

WHEREAS, Congress is expected to include a second across-the-board (ATB) rescission in the remaining FY 2006 appropriations bills which will probably be made retroactive to the Interior appropriations bill; and

WHEREAS, the Bureau of Indian Affairs (BIA) had almost two full months to prepare for the FY 2006 allocations to the field; and

WHEREAS, Section 405 of Public Law 109-54 prohibits administrative holdbacks of appropriated funds unless the holdbacks are presented in the annual budget justification and approved by the Committees on Appropriations; and

WHEREAS, the BIA Central Office did not begin to allocate FY 2006 funds to the field until the second week of October 2005; and

WHEREAS, the BIA Central Office has decided to allocate 95 percent of Tribal Priority Allocations (TPA) base funds to tribal self-determination contracts and self-governance compacts and to hold back 5 percent in anticipation of the second Congressional ATB rescission, a rescission to the BIA budget which is not supported by the tribal representatives of the BIA/Tribal Budget Advisory Council unless such rescission was instructed in writing by Congress directly; and

WHEREAS the BIA Central Office has decided to hold back 1.5 percent of non-tribal TPA base funds from BIA Agencies and Regional Offices, and an additional 18.5 percent of Central/Regional Office Operations funds; and

WHEREAS, the administrative holdbacks deprive the BIA Agencies and Regional Offices of resources that are needed to meet the demands of trust reform, Government Performance and Results Act reporting, and other requirements; and

WHEREAS, the administrative holdbacks deprive tribal governments of future sources of funding for self-determination contracts and self-government compacts; and

WHEREAS, if there is a rescission, self-determination should be implemented, so that tribes can determine how those rescissions will affect them individually.

NOW THEREFORE BE IT RESOLVED, that the BIA/Tribal Budget Advisory Council requests a written report on the administrative holdbacks from the BIA Central Office no later than December 17, 2005, including:

1. an explanation of the purpose of the holdbacks,
2. the amounts of funds being held back from all BIA Agencies and from all Regional Offices,
3. the proposed use of the funds being held back be restored,
4. and an explanation of the relationship between the holdbacks and Section 405 of Public Law 109-54.

CERTIFICATION

The foregoing resolution was adopted at a meeting of the BIA/Tribal Budget Advisory Council at Pala Casino Spa Resort in Pala California on November 30, 2005 with a quorum present.

James Cason, Co-Chair
BIA/Tribal Budget Advisory Council

Tex G. Hall, Co-Chair
BIA/Tribal Budget Advisory Council