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### ***FY08 Interior Appropriations Bill Moving in House and Senate***

The House cleared its version of the FY 2008 Interior-Environment Appropriations bill, H.R. 2643, H. Rept. 110-187, on June 27, 2007. This bill includes the Bureau of Indian Affairs and the Indian Health Service, the lion's share of spending for tribal governments and Indian Country. The President has threatened to veto the House version of the Interior spending bill due to its spending levels and language on climate change and oil and gas royalties. The House rejected multiple amendments offered during debate for across the board cuts. *NCAI would encourage tribal leaders to thank Chairman Dicks (D-WA) and Ranking Member Tiahrt (R-KS) for taking this first step towards fulfilling the trust and treaty obligations to tribes in the federal budget process in H.R. 2643.* The Senate Appropriations Committee passed its version of the bill, S. 1696, on June 21.

#### *Dent Amendment Defeated 194 to 236, First Floor Vote on an Indian Issue*

On June 26, the U.S. House of Representatives voted against provisions that would have placed a one year moratorium on funding for the Department of the Interior's consideration of certain applications to put land into trust for the purposes of gaming under section 20 of the Indian Gaming Regulatory Act (IGRA).

In the form of an amendment to the House Interior Appropriations Bill, Rep. Dent (R-PA) called for a prohibition on the Department of the Interior (DOI) from spending any money in the next fiscal year to process any tribe's application under IGRA Section 20(b)(1)(B). Had the amendment become law, all applications under the land claims exception, restored lands exception, initial reservation exception, and two-part determinations would have been stopped until at least September 30, 2008.

NCAI asked Indian Country to ask their representatives to oppose this prohibition in part because riders are an inappropriate way to address significant issues such as this—particularly when it is unclear what a one-year moratorium would have accomplished. Tribal leader's response played a vital role in defeating this measure. Listed below is the vote count against the amendment. *Please consider thanking those members in your districts who voted in opposition.* Attached is the [roll call vote](#) to check how your representative voted.

Below is a summary of major provisions, committee language, and budget charts of relevance to tribes.

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

The House version of the Interior bill, H.R. 2643, would increase the Operation of Indian Programs by \$105.3 million, 5.3% above the FY 2007 enacted levels, whereas the Senate draft would only increase the account by \$58.1 million, or 2.9%. H.R. 2643 would restore most of the decreases and eliminations proposed by the President, such as the Johnson O'Malley program, the Housing Improvement Program, Welfare Assistance, Fire Protection, Scholarships, and Indian Child Welfare, and would provide substantial increases for public safety and justice. The House bill includes an increase of \$5 million for Tribal Courts, the first increase in quite a few years. The House Committee Report included substantial language on funding for Indian Country. Attached here is the [BIA funding chart](#).

#### **House Committee Report Language on Indian Issues**

The House Interior Appropriation Subcommittee noted that it held 38 separate hearings with more than 250 witnesses, more than 100 tribal leaders, and held five contextual hearings on long-term trends, including the status of Native American communities. "This bill is structured in response to this review to begin the process of

reinvesting significant new resources to address the future needs of our country. This new period of reinvestment follows a period of significant disinvestment in environmental and conservation programs and a period of clearly inadequate funding towards fulfilling the moral and treaty obligations of this Nation to Native American communities” (H. Rept. 110-187, p. 3).

Law Enforcement Report Language: The Committee includes a section called Cross-Cutting issues at the beginning of the committee report that addresses Southwest Border and meth in Indian Country issues.

*“Environment and Law Enforcement Concerns on the Southwest Border.—*The Committee remains concerned that the illegal immigration problems on the Southwestern border are having devastating impacts on Federal and tribal lands. The lands of the National Wildlife Refuge System, National Park Service, Bureau of Land Management and the U.S. Forest Service are severely stressed by the thousands of illegal immigrants that cross the border. Tribal lands are equally impacted. Thousands of pounds of trash and hundreds of miles of trails and illegal roads are being left behind in environmentally sensitive areas. Alarming, many sections of our public lands are now so dangerous that Federal agencies must restrict public access. With increased border scrutiny in urban sectors, drug traffickers have moved their operations to more remote Federal and tribal lands. Due to this high level of drug trafficking, Federal employees often put their lives at risk just by showing up for work.

The Committee has increased funding in each of the land management agencies law enforcement accounts and in the Bureau of Indian Affairs and expects a portion of that funding to be used to protect tribal members, visitors, employees, and natural resources along the Southwestern border.

*Methamphetamine Use in Indian Country.—*The Committee is extremely concerned about the rising use of methamphetamine in Indian Country. This drug destroys lives, obliterates families, and has the potential to destroy tribal cultures. Increases in violent crime, child abuse, spousal abuse and suicide can all be traced to methamphetamine use. In hearings this year, the Committee learned that entire reservations were being targeted by international drug cartels due to a lack of adequate law enforcement. The Committee commends the administration for its recognition of this problem and the increased funding it proposed to help fight it, but more needs to be done. The Committee has increased funding in this bill by \$35,000,000 above the request for law enforcement officers, training, tribal courts, detention facilities and anti-drug education activities. The Committee understands that this is not just a law enforcement problem and therefore has included \$15,000,000 within this amount for the Indian Health Service for substance abuse treatment and mental health issues, including youth suicide, associated with methamphetamine use. The Committee expects the Directors of the Indian Health Service and the Bureau of Indian Affairs to distribute this funding outside of the normal formulas and methodologies to target the areas with the highest needs in Indian Country” (H. Rept. 110-187, p. 5-6).

### **Operation of Indian Programs**

(Amounts in thousands)	FY 2007	FY 2008	House	Senate	House versus		Senate versus	
	Enacted	Request	HR 2643	S. 1696	07 Enacted	Request	07 Enacted	Request
Tribal Government	392,261	397,698	403,009	406,398	10,748	5,311	14,137	8,700
Human Services	144,824	120,703	146,548	134,128	1,724	25,845	-10,696	13,425
Trust — Natural Resources Management	145,238	141,684	152,684	147,489	7,446	11,000	2,251	5,805
Trust — Real Estate Services	144,073	150,722	150,722	151,722	6,649	---	7,649	1,000
Education	657,912	660,540	699,040	685,540	41,128	38,500	27,628	25,000
Public Safety and Justice	217,611	233,818	250,018	237,818	32,407	16,200	20,207	4,000
Community and Economic Development	42,234	39,061	47,339	39,061	5,105	8,278	-3,173	0
Executive Direction and Administrative Services	244,070	244,185	244,185	244,185	115	0	115	0

Financial and Business Management System (FBMS)	0	2,507	0	0	0	-2,507		-2,507
<b>Operation of Indian Programs</b>	<b>1,988,223</b>	<b>1,990,918</b>	<b>2,093,545</b>	<b>2,046,341</b>	<b>105,322</b>	<b>102,627</b>	<b>58,118</b>	<b>55,423</b>

Human Services: H.R. 2643 restores the Housing Improvement Program (+\$18.83 million), the cut proposed by the President to Welfare Assistance (+\$6.015 million), and the cut to ICWA (+\$1 million). The House committee expressed concern that “that the housing needs in areas of Indian Country are not being met. The Committee directs the Bureau to work with the Department of Housing and Urban Development (HUD) to evaluate the effectiveness of the Bureau’s Housing Improvement Program and determine whether the program and its criteria could be successfully integrated into HUD’s existing housing programs and expanded to better meet the needs in Indian Country” (H. Rept. 110-187, p 69).

The Senate version, S. 1696 restores half the cut proposed by the President to Welfare Assistance (+\$3 million), half the cut to HIP (+\$9.425 million), and ICWA (+\$1 million).

Natural Resources Management: H.R. 2643 includes an increase of \$2 million for the general natural resource program, an increase of \$4 million for Rights Protection Implementation, and increase of \$3 million for Tribal Management Development programs, an increase of \$1 million for the Endangered Species program, and an increase of \$1 million for Irrigation Operations and Maintenance.

S. 1696 includes increases of \$3.54 million for Rights Protection, \$1.74 million to the Timber-Fish-Wildlife program, \$1.8 million for the US-Canada Pacific Salmon Treaty program. The Senate committee report states “Both of these programs were funded in fiscal year 2007 at the sole discretion of the Bureau, yet no explanation has been offered as to why this important work would not continue in the upcoming fiscal year.” Other increases include: \$2.265 million in tribal management and development to restore \$350,000 in proposed law enforcement cuts to the Lake Roosevelt program, \$315,000 in proposed rights protection cuts to the Upper Columbia United Tribes program, and \$600,000 in proposed conservation cuts to the Circle of Flight program. The committee noted that, “all three of these programs were funded by the Bureau in fiscal year 2007, yet no explanation has been offered for why these reductions should be adopted.”

Real Estate Service: S. 1696 includes an increase of \$1 million to restore half the cut in real estate services for cadastral surveys.

Education: H.R. 2643 includes increases of: \$16.5 million to restore the Johnson-O’Malley assistance grants, \$3 million to restore the early childhood development program, \$5 million to restore scholarships and adult education, \$7 million for elementary and secondary education program enhancements, \$1 million for student transportation, and \$6 million for tribal technical colleges. The House committee directs that not less than \$2,000,000 of the increase provided for education program enhancements should be used to implement anti-drug education programs in Bureau schools.

“The Committee agrees with the premise put forward by the Administration that we must work to improve Indian education to boost student learning and academic achievement. However, the Administration’s initiative to increase funding for one portion of education is financed by decreasing other vital areas of education. Reducing funding for adult education and scholarships, tribal technical colleges, early childhood development and Johnson-O’Malley assistance grants under the premise of improving education is clearly disingenuous. The Committee has restored these important programs and provided additional increases for elementary and secondary education programs, student transportation, and tribal technical colleges.

The Committee has once again rejected the Administration’s proposal to eliminate the Johnson-O’Malley Education Assistance grants. Every attempt by this Administration to terminate this program has been resoundingly rejected by Congress. The feckless justification for the termination of this program—that

Department of Education programs can take the place of these grants—has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests.

The Committee is concerned about the coordination of educational opportunities between the Bureau of Indian Affairs and the Department of Education. The Committee expects the Bureau to establish a formal way of tracking individual students, including a formal point of contact at the Bureau, as they alternate between Bureau schools and public schools to ensure that Indian children's educational progress is tracked sufficiently. The Bureau should report to the Committee on its progress in meeting this goal by January 30, 2008" (H. Rept. 110-187, p 70).

S. 1696 partially restores the JOM program (+\$8 million) and includes \$17 million in increases for post secondary programs, which includes: \$5 million for operating grants for tribally controlled colleges and universities, \$4 million to restore the cut to United Tribes Technical Colleges, \$2 million to restore the cut to Navajo Tech, and \$6 million to restore the cuts in Scholarships and Adult Education.

*Public Safety and Justice:* H.R 2634 includes an increase of \$32.4 million over the FY07 enacted level of \$217.6 million for Public Safety and Justice, an increase of 14.9%. S. 1696 includes an increase of \$20.2 million over the FY07 level, or a 9.28%. H.R. 2643 includes an increase of \$9.5 million for tribal law enforcement to combat methamphetamine use in Indian Country, \$500,000 for increased training activities at the Indian police academy, \$5 million for increased capacity for tribal courts, and \$1.2 million to restore the fire protection program. S. 1696 includes increases of \$4 million for law enforcement.

Construction (Amounts in thousands)	FY 2007	FY 2008	House	Senate	House versus		Senate versus	
	Enacted	Request	HR 2643	S 1696	07 Enacted	Request	07 Enacted	Request
<b>Construction</b>								
Education	204,956	139,844	145,200	125,029	-59,756	5,356	-79,927	-14,815
Public safety and justice	11,605	11,621	14,621	11,621	3,016	3,000	16	0
Resources management	45,125	37,916	39,916	37,916	-5,209	2,000	-7,209	0
General administration	4,108	2,114	2,114	2,114	-1,994	---	-1,994	0
Construction management	6,029	6,132	6,132	6,132	103	---	103	0
<b>Total, Construction</b>	<b>271,823</b>	<b>197,627</b>	<b>207,983</b>	<b>179,012</b>	<b>-63,840</b>	<b>10,356</b>	<b>-92,811</b>	<b>-18,615</b>

## Indian Health Service

(Amounts in thousands)	FY 2007	FY 2008	House	Senate	House versus		Senate versus	
	Enacted	Request	HR 2643	S 1696	07 Enacted	Request	07 Enacted	Request
Indian Health Service:	2,826,222	2,931,530	3,023,532	2,991,924	197,310	92,002	165,702	60,394
Facilities:	353,926	339,196	360,895	375,475	6,969	21,699	21,549	36,279

H.R 2643 includes an increase of \$197.31 million for the Indian Health Service, a 6.98% increase over the FY07 enacted level, and S.1696 includes a \$165.7 million increase, a 5.86% increase.

*Clinical Services:* The H.R. 2643 recommends increases of \$25,000,000 for the Indian Health Care Improvement Fund, \$10 million for Contract Care and \$15 million for prevention and treatment of methamphetamine use in Indian Country. Within the increase provided for the prevention and treatment of methamphetamine use, at least \$5 million should be used for the mental health and behavioral issues associated with methamphetamine use, including programs that combat youth suicide. S. 1696 includes the following increases: \$10 million for the Indian Health Care Improvement Fund, \$5 million for expansion of two of the Director's behavioral health initiatives; \$10 million for Contract Health Care; and \$35.094 million to restore the Urban Indian Health program.

Urban Indian Health Clinics: “The Committee believes that the Urban Health program in the Indian Health Service provides vital, culturally sensitive health care in Indian Country and should not be eliminated in future requests. The Administration's proposal to terminate this program was a clear attempt to eliminate a program based entirely on the premise of reducing overall funding with no merit-based justification. The stated justification that other Health and Human Services programs would be available to take the place of the Urban Indian Clinics was not fully supported. Further, no plan was provided for transitional benefits for users who would need to shift to other health care resources” (H. Rept. 110-187, p. 146).

Contract Support Costs: The House bill recommends \$274,638,000 for contract support costs, an increase of \$9,908,000 above the fiscal year 2007 level and \$3,002,000 above the request.