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The Bureau of Indian Affairs: FY2021 Appropriations

The Bureau of Indian Affairs (BIA), in the U.S. Department of the Interior (DOI), administers programs for tribal government, social services, law enforcement, infrastructure, and trust land and natural resources in Indian Country. BIA plays a leading role in carrying out federal trust, treaty, and other responsibilities to American Indians, Alaska Natives, and federally recognized tribes.

This In Focus examines BIA’s request for FY2021 discretionary appropriations in comparison with FY2020 enacted appropriations, not including enacted supplemental appropriations. It does not cover the Bureau of Indian Education (BIE) or the Indian Health Service. Issues for Congress include determining the amount of discretionary funding to provide BIA, its distribution across programs and activities, and the terms and conditions of such funding. Congress also may consider whether to adopt BIA proposals for a new appropriations account and organizational changes, as discussed below.

Discretionary Appropriations Accounts

Congress generally provides discretionary appropriations to BIA in annual appropriations laws for the Department of the Interior, Environment, and Related Agencies. P.L. 116-94, Division D, contained \$2,032.1 million in discretionary appropriations for BIA in FY2020 (Table 1). BIA also received \$453.0 million in FY2020 supplemental funding in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136). (For further information, see CRS In Focus IF11500, *The CARES Act: Implications for Tribes*, by Mainon A. Schwartz.)

Table 1. Bureau of Indian Affairs Discretionary Appropriations by Account (dollars in millions)

Account	FY2020 Enacted	FY2021 Requested
Operation of Indian Programs	\$1,577.1	\$1,446.7
Contract Support Costs ^a	\$271.0	\$335.0
Payment for Tribal Leases ^b	—	\$21.6
Construction	\$126.6	\$59.8
Settlements	\$45.6	\$43.9
Loan Program	\$11.8	\$0.9
Total	\$2,032.1	\$1,907.9

Source: Prepared by CRS with information from the House Appropriations Committee.

- Because Contract Support Costs are based on such sums as necessary, the value for FY2021 deviates from the value reported in the FY2021 BIA request due to newer information.
- BIA proposed this as a new account in the FY2021 request.

BIA requested \$1,907.9 million in discretionary funding for FY2021, a decrease of 6.1% from FY2020. BIA discretionary appropriations are provided through several accounts. Operation of Indian Programs (OIP) is BIA’s largest account. Other accounts include Contract Support Costs, Construction, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians, and the Indian Guaranteed Loan Program. For FY2021, BIA proposed a funding decrease for most accounts. Several tribes addressed sufficiency of funding and priorities for increased funding in testimony during congressional hearings on FY2021 appropriations.

Operation of Indian Programs

BIA requested \$1,446.7 million for OIP for FY2021, a decrease from \$1,577.1 million (8.3%) in FY2020. Table 2 shows FY2020 enacted and FY2021 requested appropriations for each OIP activity, several of which are discussed below. Of the FY2021 OIP total, BIA requested \$625.3 million as tribal priority allocation (TPA) funding. TPA is a BIA budgetary tool that allows direct involvement by tribes in setting priorities for their operating programs. TPA includes funds across multiple activities that are part of a “guaranteed” base funding for tribes.

Tribal Government. BIA requested \$337.4 million for this activity in FY2021, a \$3.2 million (1%) increase over FY2020 as enacted. This activity assists tribes in strengthening government structures, such as funding for newly recognized tribes, and supports self-governance through contracting and compacting of federal programs by tribes under the Indian Self-Determination and Education Assistance Act (ISDEAA; 25 U.S.C. §§5301 et seq). BIA’s request included new tribe funding for the Little Shell Tribe of Chippewa Indians (federally recognized in 2019). Within the overall increase, BIA proposed decreases for some subactivities, including self-governance compacts and road maintenance.

Human Services. BIA requested \$87.5 million in FY2021, a \$68.2 million (43.8%) decrease from FY2020 as enacted. This activity supports social programs, such as Social Services, Welfare Assistance, and Indian Child Welfare Act (ICWA) programs. BIA would eliminate funding for the Housing Improvement Program, decrease Welfare Assistance funding, and increase funding for ICWA.

Trust-Natural Resources Management. BIA requested \$209.7 million in FY2021 for this activity, a \$17.1 million (7.5%) decrease from FY2020 as enacted. This activity assists tribes with managing, developing, and protecting trust lands and natural resources. BIA requested to decrease funding for most subactivities and to eliminate funding for Cooperative Landscape Conservation. This activity

included a proposed transfer of the Minerals and Mining sub-activity from the Community and Economic Development activity. BIA requested \$25.7 million for Minerals and Mining.

Trust-Real Estate Services. BIA requested \$124.2 million in FY2021, a \$13.9 million (10.1%) decrease from FY2020 as enacted. This activity addresses BIA's responsibilities to tribes in trust services, probate, and land titles and records. BIA would increase funding for some programs, such as Land Title and Records Offices and Real Estate Services, and it would decrease funding for Environmental Quality, Rights Protection, and Alaskan Native Programs. BIA would eliminate funding for Litigation Support/Attorneys' Fees and Other Indian Rights Protection.

Public Safety and Justice. BIA requested \$423.7 million in FY2021 for this activity, a \$10.6 million (2.4%) decrease from FY2020 as enacted. This activity funds programs covering police services, detention/correctional facilities, and tribal courts. Within the overall decrease, law enforcement special initiatives funding would increase to \$18.0 million in FY2021, or \$3.1 million (20.7%) over FY2020. The increase would support Operation Lady Justice, a new initiative proposed by the Administration directed at missing and murdered persons, the opioid crisis, domestic violence, and cold cases in Indian Country, focusing on native women.

Community and Economic Development. BIA requested \$27.5 million in FY2021, a \$25 million (47.6%) decrease from FY2020 as enacted. This decrease is in large part due to a proposed transfer of Minerals and Mining to the Trust-Natural Resources activity. This activity seeks to foster job placement and economic growth in Indian Country. BIA proposed increasing the economic development program—from \$2.8 million in FY2020 to \$10.3 million in FY2021—to fund broadband deployment to tribes.

Table 2. Operation of Indian Programs Activities
(dollars in millions)

Operation of Indian Programs Subaccount	FY2020 Enacted	FY2021 Requested
Tribal Government	\$334.2	\$337.4
Human Services	\$155.7	\$87.5
Trust – Natural Resources Management	\$226.8	\$209.7
Trust – Real Estate Services	\$138.1	\$124.2
Public Safety & Justice	\$434.3	\$423.7
Community & Economic Development	\$52.5	\$27.5
Executive Direction	\$235.5	\$236.7
Total	\$1,577.1	\$1,446.7

Source: Prepared by CRS with information from the House Appropriations Committee.

Other Appropriations Accounts

Contract Support Costs (i.e., the costs of tribes administering federal programs under ISDEAA) would be fully funded in FY2021 at \$335.0 million under the request. The enacted FY2020 appropriation was \$271.0 million, the estimate of full funding for that year. For FY2021, BIA proposed decreases for other accounts, as shown in **Table 1**. BIA did not propose funding new loan guarantees under the Indian Guaranteed Loan Program account, because it duplicates, according to BIA, other federal loan programs that may serve Indian Country among eligible borrowers.

New Appropriations Account

Upon the request of a tribe or tribal organization, ISDEAA requires BIA and BIE to enter into an ISDEAA 105(l) lease agreement with the tribe to use tribally owned or rented facilities to support contracting or compacting under ISDEAA. DOI proposed a new appropriations account, Payment for Tribal Leases, to pay for both BIA and BIE leases. BIA's overall request of \$21.6 million included an \$8.0 million transfer from BIE's Elementary and Secondary Programs Facility Operations sub-activity. DOI proposed reforming the management of the leases by standardizing procedures for processing lease requests. BIA and BIE anticipate increased tribal interest in this initiative.

Proposed Organizational Changes

BIA's budget request proposed moving the Division of Energy and Mineral Development from the Office of Indian Energy and Economic Development within the office of the Assistant Secretary-Indian Affairs (AS-IA) to the Office of Trust Services under BIA. The change is intended to increase coordination, communication, and delivery of energy-related services to Indian Country. The change is reflected in the proposed transfer of the Minerals and Mining sub-activity from the Community and Economic Development activity to the Trust-Natural Resources activity.

BIA's budget request also proposed to realign the agency's organizational structure by moving certain programs within the Office of Justice Services from BIA to AS-IA to increase DOI's response to public safety in Indian Country and support Administration public safety initiatives. BIA's budget request states that the current budget structure would not change and that legislation would be required to make the change.

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