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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 compares enacted BIA FY2021 discretionary appropriations with President Trump’s request for FY2021 discretionary appropriations and enacted FY2020 appropriations. Supplemental appropriations and the Bureau of Indian Education (BIE) appropriations are not included. Issues for Congress, such as the terms and conditions of a new appropriations account, organizational changes, and funding for the Tiwahe Initiative, are discussed below.

Discretionary Appropriations Accounts

Congress and the Administration generally provide discretionary appropriations to BIA in annual appropriations laws for the Department of the Interior, Environment, and Related Agencies. P.L. 116-260, Division G, contained \$2.159 billion in discretionary appropriations for BIA in FY2021, an increase of 6.3% from \$2.032 billion in FY2020 enacted and appropriations and an increase of 13.2% from \$1.907 billion in the FY2021 budget request. (See **Table 1.**)

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

Account	FY2020 Enacted	FY2021 Requested	FY2021 Enacted
Operation of Indian Programs	\$1,577.1	\$1,446.7	\$1,616.5
Contract Support Costs ^a	\$271.0	\$335.0	\$335.0
Payments for Tribal Leases ^b	—	\$21.6	\$21.6
Construction ^c	\$126.6	\$59.8	\$128.8
Settlements	\$45.6	\$43.9	\$45.6
Loan Program	\$11.8	\$0.9	\$11.8
Total	\$2,032.1	\$1,907.9	\$2,159.4

Source: Prepared by CRS with data from the explanatory statement for the Consolidated Appropriations Act, 2021 (P.L. 116-260).

- Contract Support Costs are based on such sums as necessary; thus, the value for FY2021 requested 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.
- Does not include a \$2.0 million rescission in FY2021 enacted.

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. FY2021 enacted levels maintained or increased funding levels in all accounts and established a new account—Payments for Tribal Leases.

Operation of Indian Programs

The enacted level for OIP in FY2021 is \$1,616.5 million, an increase of 2.5% from \$1,577.1 million in FY2020 enacted and an increase of 11.7% from \$1,446.7 million in FY2021 requested. **Table 2** shows FY2021 enacted, FY2020 enacted, and FY2021 requested appropriations for each OIP activity, several of which are discussed below. Of the FY2021 OIP total, \$721.2 million is for 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 as “guaranteed” base funding for tribes.

Tribal Government (TG). The enacted level for TG in FY2021 is \$341.0 million, an increase of 2.0% from \$334.2 million in FY2020 enacted and an increase of 1.1% from \$337.4 million in FY2021 requested. TG 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.). TG includes New Tribes funding—available to tribes for three fiscal years after federal recognition—for the Little Shell Tribe of Chippewa Indians (federally recognized in 2019).

Human Services (HS). The FY2021 enacted level for HS is \$161.2 million, an increase of 3.5% from \$155.7 million in FY2020 enacted and an increase of 84.2% from \$87.5 million in FY2021 requested. HS supports social programs, such as Social Services, Welfare Assistance, and Indian Child Welfare Act programs. Funding for the Housing Improvement Program—eliminated in FY2021 requested—is \$11.7 million, maintaining FY2020 enacted levels.

Trust-Natural Resources Management (TNRM). The enacted level for TNRM in FY2021 is \$258.8 million, an increase of 14.1% from \$226.8 million in FY2020 enacted and an increase of 23.4% from \$209.7 million in FY2021 requested. TNRM assists tribes with managing, developing, and protecting trust lands and natural resources. Funding for Cooperative Landscape Conservation—eliminated in FY2021 requested—is \$17.0 million, a \$2 million (13.4%), increase over FY2020 enacted. FY2021 enacted levels

transferred the Minerals and Mining sub-activity from the Community and Economic Development activity (see below) and funded the sub-activity at \$26.7 million.

Trust-Real Estate Services (TRES). The enacted level for TRES in FY2021 is \$140.7 million, an increase of 1.9% from \$138.1 million in FY2020 enacted and an increase of 13.3% from \$124.2 million in FY2021 requested. TRES addresses BIA's responsibilities to tribes in trust services, probate, and land titles and records. FY2021 funding levels provide an additional \$500,000 to Environmental Quality, an additional \$400,000 to Water Rights Negotiation, and an additional \$300,000 to rights protection litigation support compared with FY2020 enacted.

Public Safety and Justice (PSJ). The FY2021 enacted level for PSJ is \$448.7 million, an increase of 3.3% from \$434.3 million in FY2020 enacted and an increase of 5.9% from \$423.7 million in FY2021 requested. PSJ funds programs on police services, detention/correctional facilities, and tribal courts. FY2021 funding levels increased funding for background checks; solving cold cases; and training on missing, trafficked, and murdered Native American women. Law enforcement special initiatives' funding is \$19.8 million, an increase of 32.4% from \$14.9 million in FY2020 enacted and an increase of 9.7% from \$18.0 million in FY2021 requested. Congress directed BIA to develop guidelines for collecting data on missing, trafficked, and murdered Native American women.

Community and Economic Development (CED). The enacted level for CED in FY2021 is \$24.5 million, a decrease of 53.3% from \$52.5 million in FY2020 enacted and a decrease of 10.9% from \$27.5 million in FY2021 requested. This decrease is in large part due to the transfer of Minerals and Mining to the TNRM activity. The remaining CED activities seek to foster job placement and economic growth in Indian Country.

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

Subaccount	FY2020 Enacted	FY2021 Requested	FY2021 Enacted
Tribal Government	\$334.2	\$337.4	\$341.0
Human Services	\$155.7	\$87.5	\$161.2
Trust – Natural Resources Management	\$226.8	\$209.7	\$258.8
Trust – Real Estate Services	\$138.1	\$124.2	\$140.7
Public Safety & Justice	\$434.3	\$423.7	\$448.7
Community & Economic Development	\$52.5	\$27.5	\$24.5
Executive Direction	\$235.5	\$236.7	\$241.6
Total	\$1,577.1	\$1,446.7	\$1,616.5

Source: Prepared by CRS with data from the explanatory statement for the Consolidated Appropriations Act, 2021 (P.L. 116-260).

Other Appropriations Accounts

Contract Support Costs (i.e., the indirect costs of tribes administering federal programs under ISDEAA) is funded in FY2021 at \$335.0 million, matching the requested amount. The enacted FY2020 appropriation was \$271.0 million. For FY2021, enacted levels maintain current funding levels for Settlements and the Loan Program accounts, as shown in **Table 1**. FY2021 enacted level for the Construction account is \$128.8 million, an increase of 1.7% from \$126.6 in FY2020 enacted and an increase of 115.4% from \$59.8 million in FY2021 requested.

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. FY2021 enacted levels fund a new appropriations account, Payments for Tribal Leases, at \$21.6 million, to consolidate BIA and BIE 105(l) leasing costs. FY2019 and FY2020 leasing costs were funded under other BIA and BIE accounts. DOI is directed to develop guidelines and consult with tribes on processing such leases and to report to Congress on long-term solutions for funding this account.

Proposed Organizational Changes

The FY2021 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 tribes. In H.Rept. 116-448, Congress expressed its intent for BIA to conduct tribal consultation to evaluate the change before realignment occurs.

The FY2021 budget request also proposed realigning the agency's organizational structure by moving certain programs within the Office of Justice Services from BIA to AS-IA to highlight DOI's response to public safety in Indian Country and support Administration public safety initiatives. President Trump's budget request stated that legislation would be required to make the change. In H.Rept. 116-448, Congress expressed its intent that no budgetary funds be used to implement the reorganization until such legislation is enacted.

Tiwahe Initiative

Launched in 2014, the Tiwahe Initiative, funded under the HS, PSJ, and CED activities, expanded social services and similar programs to address child and family welfare, job training, and incarceration issues. To address concerns about documentation of funding, Congress directed BIA to produce one report on funding levels and distribution of funding to tribes and another report on guidelines for tribes to implement the Tiwahe Initiative using TPA funding. Until Congress receives the report, \$1.0 million is withheld from the Executive Direction subaccount in FY2021.

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