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Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress

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Bureau of Indian Affairs: Overview of Budget Issues and Options for Congress

The Bureau of Indian Affairs (BIA), an agency within the Department of the Interior (DOI), plays a leading role in carrying out federal trust, treaty, and other responsibilities to federally recognized tribes and individual tribal members throughout the United States. The Snyder Act of 1921 authorizes BIA to operate programs, and spend federal funds, for the benefit and assistance of tribes and individual tribal members. BIA programs support a wide variety of activities such as social services, economic development, infrastructure, natural resource management, law enforcement, emergency management, and probate. In 2023, BIA served 574 federally recognized tribes with a service population of nearly 2 million American Indians and Alaska Natives in tribal communities nationwide.

With its roots dating back to the Continental Congress, BIA is the oldest bureau within DOI, and federal-tribal relations have evolved considerably since its creation. BIA's mission initially focused on promoting tribal settlement on reservations and cultural assimilation. Since the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), however, Congress has promoted a policy of tribal self-determination in the planning, conduct, and administration of certain federal programs, including many BIA programs. BIA delivers programs to tribes, or tribes can enter into contracts and compacts under ISDEAA (*ISDEAA agreements*) with BIA to deliver BIA programs. BIA must provide tribes entering into an ISDEAA agreement with a *tribal share*—a portion of BIA funds and resources—for the tribe to execute the agreement.

Congress and many tribes have expressed interest in enabling tribal input into determining both who is eligible for BIA programs and services as well as how much funding should be allocated for those BIA programs and services. Tribes traditionally reported the number of individual tribal members eligible for BIA programs and services within tribal areas (*service populations*). Through BIA's budget processes, tribes increasingly have been able to influence the amount of funding that BIA or tribes receive for those programs and services. For example, *tribal priority allocation* (TPA) is a designation given to specific, recurring BIA budget line items or activities that support tribal services, or activities that tribes can assume through ISDEAA agreements. Once Congress enacts BIA appropriations, BIA distributes TPA funding based on each tribe's historic TPA funding baseline, which was established through the 1990s *tribal shares process*.

Through annual appropriations acts, Congress currently provides BIA with *discretionary appropriations* through seven accounts. In FY2023, five of these accounts received *definite* discretionary appropriations (with a specific dollar amount), with funding available for two years or until expended, depending on the account. For two accounts used for implementing ISDEAA, BIA received *indefinite* discretionary appropriations, with "such sums as are necessary." BIA also receives *mandatory* appropriations, which are controlled by authorization laws.

A number of issues arise for Congress in deciding the type and nature of BIA appropriations. One consideration is the appropriate form of BIA appropriations, including whether discretionary, advance, or mandatory appropriations best suit BIA programs or activities. As concerns about the timeliness of appropriations decisions have been raised over the years, options for Congress have included providing *advance appropriations* for BIA programs to minimize negative impacts to tribes resulting from the uncertainty of the discretionary appropriations process (i.e., in case of continuing resolutions or government shutdowns), or providing *mandatory appropriations* to ensure budgetary consistency for BIA accounts with legal obligations, such as the Contract Support Costs and Payments for Tribal Leases accounts.

Another consideration is Congress's role in authorizing, appropriating, and conducting oversight of BIA programs or activities. Flexibility in funding distributions may promote policy goals such as tribal decisionmaking. On the other hand, BIA and tribal spending flexibility may limit Congress's ability to set budget priorities and oversee agency processes. Congress also has debated the appropriate methodology for allocating BIA funding to tribes. Some tribes and BIA have asserted that reliance on historic TPA funding levels results in tribal inequities. As an alternative, Congress could consider some tribal suggestions to base BIA funding distributions on current factors. For example, as an alternative to the historic TPA model or service population metric, Congress could evaluate BIA funding allocations based on population data such as tribal enrollment.

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Introduction

Congress has authorized the Bureau of Indian Affairs (BIA) within the Department of the Interior (DOI) to manage various programs for *federally recognized tribes* (hereinafter *tribes*).¹ The Snyder Act of 1921 authorizes BIA to operate programs, and spend federal funds, for the benefit and assistance of tribes and individual tribal members throughout the United States.² After centuries of shifting federal policies toward tribes, in 1975 Congress passed the Indian Self Determination and Education Assistance Act (ISDEAA).³ ISDEAA outlined federal policy on tribal *self-determination*, including the “effective and meaningful participation by the Indian people in the planning, conduct, and administration of” programs and services.⁴

While the Snyder Act and ISDEAA provide the primary budgetary authorities for BIA, numerous statutes, court decisions, treaties, and other authorities guide the agency. BIA is the principal agency of the federal government charged with administering tribal policy and programs to fulfill the federal trust responsibility. The *federal trust responsibility* is a legal obligation under which the United States, through treaties, acts of Congress, and court decisions, “has charged itself with moral obligations of the highest responsibility and trust” toward tribes.⁵

This report provides an overview of BIA’s programs, discretionary appropriations, and budget processes, with the goal of informing Congress’s consideration of BIA’s budget.⁶ This report starts with a brief introduction to BIA’s authority, programs, and organization. It also discusses how BIA and tribes deliver BIA programs and services to tribal members. The report then provides an overview of BIA discretionary appropriations, including appropriations accounts and budget formulation and execution processes. Finally, the report outlines potential considerations for Congress regarding the form of BIA appropriations, as well as funding flexibility, oversight, and allocation.

¹ A *federally recognized tribe* is an American Indian or Alaska Native (AI/AN) entity recognized as having a government-to-government relationship with the United States, which makes the entity eligible for certain federal programs and services. For the 2023 list of federally recognized tribes, see DOI, Bureau of Indian Affairs (BIA), “Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs,” 88 *Federal Register* 2112-2116, January 12, 2023, at <https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00504.pdf>. Native Hawaiians are not federally recognized.

² 25 U.S.C. §13.

³ P.L. 93-638, 25 U.S.C. §§5301 et seq.

⁴ P.L. 93-638, §3.

⁵ *Seminole Nation v. U.S.*, 316 U.S. 286, 296-297 (1942). For a general overview of the trust relationship, see *U.S. v. Jicarilla Apache Nation*, 564 U.S. 162 (2011), and CRS Report R46647, *Tribal Land and Ownership Statuses: Overview and Selected Issues for Congress*, by Mariel J. Murray.

⁶ This report does not focus on BIA mandatory appropriations, or on appropriations for two other Indian-related agencies that receive appropriations in Interior appropriation laws—the Bureau of Indian Education, in the Department of the Interior, and the Indian Health Service, in the Department of Health and Human Services.

BIA Overview

Authority and Organization

With its roots dating back to the Continental Congress, BIA is the oldest bureau within DOI.⁷ In 1824, then-Secretary of War John C. Calhoun established the Office of Indian Affairs (OIA) within the War Department. In 1832, Congress officially established a commissioner to oversee OIA as a bureau of the War Department.⁸ In 1849, Congress transferred OIA to the newly established DOI.⁹ DOI formally adopted the name Bureau of Indian Affairs in 1947.¹⁰ BIA is one of DOI's "Indian Affairs" bureaus or offices, which also include the Bureau of Indian Education (BIE), the Office of the Special Trustee for American Indians (OST), and the Office of the Assistant Secretary of Indian Affairs (ASIA).¹¹ The BIA Director reports to ASIA.

In the late 18th and early 19th centuries, Congress enacted laws regulating trade between Indians and non-Indians, and a network of federal Indian agents was established.¹² This network is the foundation for the current BIA organization. Similar to several other DOI agencies, BIA has a three-tiered organizational structure.¹³ It has a central (national) office in Washington, DC, and 12 area (regional) offices that oversee 85 agency (field) offices. These offices deliver programs and services to tribal communities. **Figure 1** shows the central office and 12 regional offices.

⁷ BIA, "What Is the BIA's History?" at <https://www.bia.gov/faqs/what-bias-history#:~:text=Secretary%20of%20War%20John%20C,564>.

⁸ Act of July 9, 1832, ch. 174, §1, 4 Stat. 564.

⁹ Act of March 3, 1849 (43 U.S.C. §§ 1451 and 1453). See also Cong. Globe, 30th Cong., 2d sess, p. 680.

¹⁰ BIA, "What Is the BIA's History?" at <https://www.bia.gov/faqs/what-bias-history#:~:text=Secretary%20of%20War%20John%20C,564>.

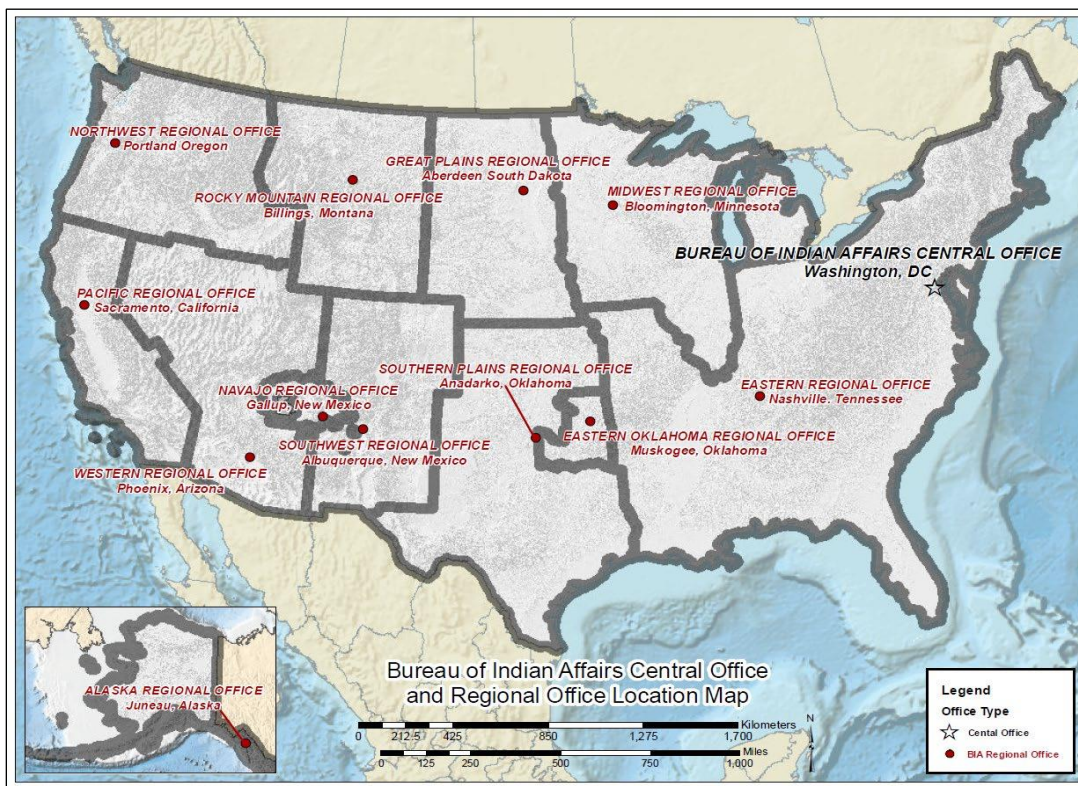
¹¹ BIA, *Budget Justifications and Performance Information Fiscal Year 2024, Bureau of Indian Affairs*, p. IA-ES-1, at https://www.bia.gov/sites/default/files/dup/inline-files/bia_2024_greenbook.pdf (hereinafter BIA, "FY2024 Budget Justifications"). In 2020, BIA changed the name of the Office of the Special Trustee for American Indians (OST) to the Bureau of Trust Funds Administration. However, appropriations laws have continued to provide funding to the OST (e.g., for FY2023, in P.L. 117-328, Division G). For background on this naming issue, see CRS Report R45480, *U.S. Department of the Interior: An Overview*, by Mark K. DeSantis.

¹² BIA, "FY2024 Budget Justifications," pp. IA-GS-2 - IA-GS-3.

¹³ For an overview of DOI agencies and departmental offices, see CRS Report R45480, *U.S. Department of the Interior: An Overview*, by Mark K. DeSantis.

Figure 1. Bureau of Indian Affairs (BIA) National Map

Map depicts BIA Central Office and Regional Offices



Source: Department of the Interior (DOI), Bureau of Indian Affairs (BIA), “Budget Justifications and Performance Information Fiscal Year 2024, Bureau of Indian Affairs,” p. IA-GS-6, at https://www.bia.gov/sites/default/files/dup/inline-files/bia_2024_greenbook.pdf.

Note: This map does not depict BIA’s 85 agency (field) offices. Also, Hawaii is not shown, as Native Hawaiians are not federally recognized.

Programs

According to BIA, the agency’s mission is “to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives,” including managing tribal trust lands.¹⁴ In 2023, BIA served 574 federally recognized tribes with a service population of nearly 2 million American Indians and Alaska Natives (AI/AN) in tribal communities nationwide.¹⁵

BIA programs encompass a wide range of activities authorized by numerous treaties, court decisions, and legislation. BIA’s mission initially focused on promoting tribal settlement on defined reservations and cultural assimilation.¹⁶ BIA programs currently support tribal social services, economic development, law enforcement, emergency management, road and dam infrastructure, natural resource management, and probate, among others. BIA also manages the 56

¹⁴ BIA, “Mission Statement,” at <https://www.bia.gov/bia>. For information on types of tribal land holdings, see CRS Report R46647, *Tribal Land and Ownership Statuses: Overview and Selected Issues for Congress*, by Mariel J. Murray.

¹⁵ *Service population* refers to the number of individual tribal members eligible to receive services from BIA. See also BIA, “FY2024 Budget Justifications,” p. IA-ES-1.

¹⁶ BIA, “FY2024 Budget Justifications,” p. IA-GS-3.

million surface acres and 59 million acres of subsurface mineral estate held in trust by the United States for tribes and individual tribal members.¹⁷ In addition, BIA provides funding for an array of tribal government programs and services.

Delivery of BIA Services

BIA Versus Tribal Delivery of Services

BIA programs can be provided directly by BIA or administered by tribes. ISDEAA enables tribes to manage certain federal programs using federal funds.¹⁸ Under ISDEAA, tribes can request the authority to conduct certain agency programs or activities that otherwise would be conducted by BIA. If granted, tribes manage the programs or activities through self-determination contracts or self-governance compacts, hereinafter referred to as *ISDEAA agreements*.¹⁹ BIA can provide federal funding to tribes to execute services that BIA previously provided as long as tribes do not assume an inherently federal function.²⁰ BIA must provide tribes entering into an ISDEAA agreement with a *tribal share*, or the portion of all funds and resources that the tribe is taking over under the ISDEAA agreement.²¹ Currently, tribes can choose to manage some federal services or programs through ISDEAA agreements, continue receiving BIA services from the agency (*direct service tribes*), or choose a mix of the two options depending on the service or program. As of March 2020, 569 of 574 tribes had an ISDEAA agreement with DOI.²²

Tribal Population Eligible for BIA Services

Federal agencies collect population data, including on AI/AN communities, to formulate budget requests, allocate resources, and provide services. There is no uniform definition of the AI/AN population; therefore, federal agencies use various definitions. For example, some federal agencies rely on the U.S. Census Bureau, which uses self-identification as AI/AN by race, whereas BIA relies on tribes to report individual tribal members located on or near a reservation to determine the service population.²³ The *service population* is a tribe's estimate of all American Indians and Alaska Natives who are living on or near its reservation or community that are eligible to receive services from BIA.²⁴

Tribal enrollment, or membership, data are an alternative to service population data. Every tribe has its own criteria to determine whether a person is eligible to become a member of that tribe.²⁵

¹⁷ BIA, "FY2024 Budget Justifications," p. IA-TNR-3.

¹⁸ P.L. 93-638, 25 U.S.C. §§5301 et seq.

¹⁹ See generally 25 U.S.C. §5321 (self-determination contracts) and 25 U.S.C. §5363 (self-governance compacts).

²⁰ DOI has not defined the term *inherently federal function*. In a 1996 legal memorandum, DOI explained that ISDEAA's inherently federal restriction could be applied only on a case-by-case basis (DOI, Office of the Solicitor, "Inherently Federal Functions Under the Tribal Self-Governance Act" memorandum, May 17, 1996, at <https://www.tribalseg.gov/wp-content/uploads/2019/07/Inherent-Federal-Functions-Leshy-1996.pdf>).

²¹ 25 U.S.C. §5361. See also 25 C.F.R. 900.8(h) and 25 C.F.R. 1000.97.

²² U.S. Government Accountability Office (GAO), *Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients*, GAO-23-105473, December 2022, p. 9, at <https://www.gao.gov/assets/gao-23-105473.pdf>.

²³ For a detailed comparison of BIA, U.S. Census Bureau, and IHS AI/AN population data, see CRS Report R43330, *The Indian Health Service (IHS): An Overview*, by Elayne J. Heisler, Appendix A.

²⁴ DOI, "2013 American Indian Population and Labor Force Report," January 16, 2014, p. 6, at <https://www.bia.gov/sites/default/files/dup/assets/public/pdf/idc1-024782.pdf> (hereinafter DOI, "2013 Population Report").

²⁵ DOI, "Tribal Enrollment Process," at <https://www.doi.gov/tribes/enrollment>.

Tribes have varying criteria based on shared customs, traditions, language, or amount of tribal ancestry. BIA collects enrollment data but does not verify the information.

The service population of a tribe is not necessarily the same as the number of enrolled tribal members. For example, members of one tribe may live closer to another tribe's reservation, and may be eligible to receive services from BIA through that nearby tribe.²⁶ Because service population estimates may include members from more than one tribe, service population estimates may be larger than tribal enrollment estimates.

BIA Funding Overview

This section discusses discretionary appropriations for BIA. It presents BIA's discretionary account structure and identifies the type and availability of appropriations for each account. It also covers the change in BIA annual discretionary appropriations from FY2020 to FY2023. In addition to discretionary appropriations, BIA receives mandatory appropriations, which are controlled by authorizing laws. This report does not address BIA's mandatory appropriations.

BIA Discretionary Funding

BIA receives funding through the annual discretionary appropriations process to help fulfill its mission.²⁷ BIA generally receives discretionary appropriations through Title I of the regular Interior, Environment, and Related Agencies appropriations bills. Approximately three dozen agencies and other entities are funded by this bill.²⁸ Funding may be available for obligation for one fiscal year, multiple fiscal years, or until expended (i.e., "no year" funds).²⁹ For several accounts, BIA receives *definite* discretionary appropriations, which include a specific dollar figure. For two accounts, BIA receives *indefinite* appropriations, which identify "such sums as are necessary."³⁰ The definite discretionary accounts are listed below.³¹ For each account, the information includes the period of availability of the appropriations (as specified in the most recent full year appropriations law, for FY2023).³²

- **Operation of Indian Programs (OIP).** This account funds activities such as tribal governments, social services, law enforcement, infrastructure, and trust

²⁶ DOI, "2013 Population Report," p. 7.

²⁷ For an overview of the annual appropriations process in the context of the overall federal budget process, see CRS Report R46240, *Introduction to the Federal Budget Process*, by James V. Saturno.

²⁸ For an overview of appropriations for Interior, Environment, and Related Agencies in the most recent fiscal year, see CRS Report R47664, *Interior, Environment, and Related Agencies: Overview of FY2024 Appropriations*, by Carol Hardy Vincent. The Interior, Environment, and Related Agencies Appropriations subcommittees divide their funding allocation among the agencies within their jurisdiction. In practice, agencies, and programs within each agency, may compete for funding within this subcommittee allocation. For information on allocations to appropriations subcommittees, see CRS Report R47388, *Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s*, by Drew C. Aherne.

²⁹ For a discussion of the duration of budget authority, see CRS In Focus IF12105, *Introduction to Budget Authority*, by James V. Saturno.

³⁰ For information on definite and indefinite appropriations, see U.S. Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 2005, p. 23, at <https://www.gao.gov/assets/gao-05-734sp.pdf>.

³¹ These BIA appropriations accounts are presented in the order that they are listed in the Consolidated Appropriations Act, 2023, although this report separates the definite and indefinite accounts. Annual appropriations for some accounts are widely variable, as is the case for the Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians account, which is based on the water settlements authorized in any given fiscal year.

³² P.L. 117-328, Division G.

land and natural resources. This account received two-year budget authority in FY2023, although some programs within this account have no-year authority.³³

- **Indian Land Consolidation.** This account attempts to address historic fractionation of tribal lands (land held by many owners) by purchasing fractional interests from willing individual tribal landowners and conveying those interests to the tribe with jurisdiction. This account was created in the FY2022 Consolidated Appropriations Act. This account received no-year budget authority in FY2023.³⁴
- **Construction.** This account funds activities such as construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other BIA facilities; acquisition of lands and interests in lands. This account received no-year budget authority in FY2023.³⁵
- **Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians (ILWC).** This account includes funding to implement congressionally authorized land and water settlements negotiated between tribes, states, and Congress. This account received no-year budget authority in FY2023.³⁶
- **Indian Guaranteed Loan Program (IGLP).** This account seeks to help tribes overcome barriers to conventional financing and secure reasonable interest rates, while also reducing the risk to lenders by providing financial backing from the federal government.³⁷ Loans may be used for operating capital, equipment purchases, acquisition and refinancing, building construction, and lines of credit. Projects must benefit the economy of a reservation or tribal service area. This account received two-year budget authority in FY2023.

The two indefinite discretionary accounts are used for implementing ISDEAA. For both accounts, appropriations laws typically provide for “such sums as may be necessary,” and the accompanying explanatory statements typically estimate the amount needed for a given fiscal year.³⁸ These accounts received two-year budget authority in FY2023.

- **Contract Support Costs (CSCs).** This account is used to pay tribes for the indirect or administrative costs associated with ISDEAA agreements.³⁹ ISDEAA requires DOI to provide a tribe with an ISDEAA agreement with funds

³³ Under two-year budget authority for BIA accounts, funding is available for obligation until September 30, 2024. The Consolidated Appropriations Act, 2023, specifies that about \$64 million shall remain available until expended for “housing improvement, road maintenance, land acquisition, attorney fees, litigation support, lands records improvement, and the Navajo-Hopi Settlement Program.” (P.L. 117-328, Division G, Title I, Bureau of Indian Affairs, Operation of Indian Programs). See also the summary table in BIA, “FY2024 Budget Justifications,” p. IA-ST-1, at https://www.bia.gov/sites/default/files/dup/inline-files/bia_2024_greenbook.pdf.

³⁴ BIA, “FY2024 Budget Justifications,” p. IA-ES-5. For more information on the fractionation of tribal lands, see CRS Report R46647, *Tribal Land and Ownership Statuses: Overview and Selected Issues for Congress*, by Mariel J. Murray.

³⁵ P.L. 117-328, Division G, Title I, Bureau of Indian Affairs, Construction.

³⁶ P.L. 117-328, Division G, Title I, Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians. Also, Congress sometimes authorizes mandatory funding for particular Indian Water Settlements in legislation outside of the appropriations process. For more on Indian Water Settlements, see CRS Report R44148, *Indian Water Rights Settlements*, by Charles V. Stern.

³⁷ DOI, “Indian Loan Guarantee and Insurance Program (ILGP),” at <https://www.bia.gov/service/loans/ilgp>.

³⁸ See P.L. 117-328, Division G, Title I, Bureau of Indian Affairs, Contract Support Costs and Payments for Tribal Leases.

³⁹ 25 U.S.C. §5325 and 25 U.S.C. §5368.

equivalent to those that the Secretary of the Interior would have otherwise provided for the program(s). That includes CSCs, or “reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure compliance with the terms of the contract and prudent management.”⁴⁰ Whether tribes have historically received the CSCs funding amounts that they were legally entitled to was a source of contention for many years. In 2012, the Supreme Court held that agencies must pay CSCs, despite Congress sometimes placing a spending cap on total BIA CSCs appropriations.⁴¹ After years of debating how to ensure BIA complied with these legal obligations, Congress began to provide two-year funding for CSCs through an indefinite appropriation starting in FY2016.⁴² If the estimate in the appropriations bill for CSCs is less than the actual obligations in a given fiscal year, BIA can request the difference from the Department of the Treasury. According to BIA, it has not encountered any procedural difficulties in obtaining this remainder when needed.⁴³

- **Payments for Tribal Leases (PTLs).** This account is used to pay for tribally owned or rented facilities that tribes use to carry out responsibilities under ISDEAA agreements. ISDEAA states that the Secretary of the Interior is required to enter into a *105(l) lease* with a tribe, upon the tribe’s request to pay for these facilities.⁴⁴ In 2014 and 2016, two federal district courts affirmed DOI’s obligation to pay for these facilities per 105(l) leases.⁴⁵ In the Consolidated Appropriations Act, 2021, Congress established an indefinite discretionary appropriations account for PTLs.⁴⁶ Like the CSC account, if the estimate in the appropriations bill for PTLs is less than the actual obligations in a given fiscal year, BIA can request the difference from the Department of the Treasury. According to BIA, it has not encountered any procedural difficulties in obtaining this remainder when needed.⁴⁷

Since FY2020, regular annual BIA discretionary appropriations have fluctuated for various reasons.⁴⁸ Total regular annual BIA appropriations increased from about \$2.03 billion in FY2020 to \$2.44 billion in FY2023 (an increase of about 20%).⁴⁹ Some of this growth is attributable to increasing appropriations in the OIP, Construction, and IGLP accounts. In addition, Congress established and funded two new accounts during that time period: Payments for Tribal Leases and

⁴⁰ 25 U.S.C. §5325.

⁴¹ See *Salazar v. Ramah Navajo Chapter*, 567 U.S. 182 (2012). See also *Cherokee Nation of Okla. v. Leavitt*, 543 U.S. 631, 647 (2005).

⁴² P.L. 114-113, Division G, Title I, Bureau of Indian Affairs, Contract Support Costs. See also *Congressional Record*, vol. 161, No. 184 Book III (December 17, 2015), p. H10218 (hereinafter FY2016 Explanatory Statement).

⁴³ Personal communication between CRS and BIA, June 1, 2023.

⁴⁴ 25 U.S.C. § 5324(l). These leases are commonly called “105(l)” leases because these leases are authorized under ISDEAA Section 105(l).

⁴⁵ See *Maniilaq Ass’n v. Burwell*, 72 F. Supp. 3d 227 (D.D.C. 2014); and *Maniilaq Ass’n v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016).

⁴⁶ P.L. 116-260, Division G, Title I, Bureau of Indian Affairs, Payments for Tribal Leases.

⁴⁷ Personal communication between CRS and BIA, June 1, 2023.

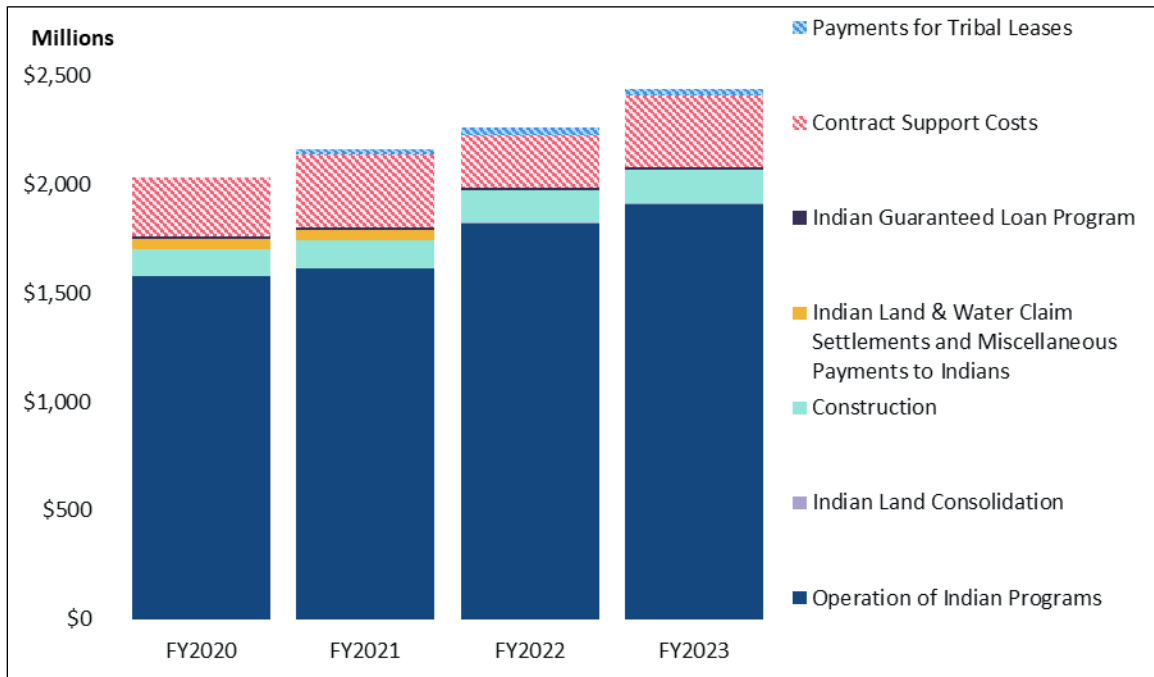
⁴⁸ This paragraph outlines annual discretionary BIA appropriations provided in regular, annual appropriations laws, and does not include supplemental or mandatory appropriations.

⁴⁹ Amounts are derived from explanatory statements accompanying the FY2020-FY2023 appropriations acts for Interior, Environment, and Related Agencies.

Indian Land Consolidation.⁵⁰ Congress reduced the ILWC account by more than \$44 million from FY2021 to FY2022 due to supplemental funding for Indian water settlements provided by the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58).⁵¹ The two indefinite discretionary accounts, CSCs and PTLs, have received varying amounts based on estimated need. For example, in FY2023, these accounts comprised about 15% of total BIA discretionary appropriations. In its FY2024 budget justification, BIA requested increases for both accounts, anticipating that demand for ISDEAA agreements, including associated costs such as CSCs and PTLs, would grow.⁵²

See **Figure 2** for an illustration of BIA appropriations accounts as a share of total appropriations since FY2020.

Figure 2. Bureau of Indian Affairs—Discretionary Appropriations, FY2020-FY2023



Source: CRS, based on explanatory statements accompanying the FY2020-FY2023 appropriations acts for Interior, Environment, and Related Agencies.

Notes: Bureau of Indian Affairs (BIA) appropriations accounts are presented bottom up in the order that they are listed in the Consolidated Appropriations Act, 2023, although this figure separates the definite (solid color) and indefinite (striped pattern) accounts. Dollars are not adjusted for inflation. This figure includes annual discretionary BIA appropriations provided in regular annual appropriations laws and does not include supplemental or mandatory appropriations.

⁵⁰ See P.L. 116-260, Division G, Title I, Bureau of Indian Affairs, Payments for Tribal Leases and P.L. 117-103, Division G, Title I, Bureau of Indian Affairs, Indian Land Consolidation.

⁵¹ Amounts are derived from explanatory statements accompanying the FY2021-FY2022 appropriations acts for Interior, Environment, and Related Agencies. For an identification of the supplemental funding for ILWC in P.L. 117-58, see U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2022* [H.R. 2471/P.L. 117-117-103], *Legislative Text and Explanatory Statement*, committee print, 117th Cong., 2d sess., April 2022 in H. Prt. 47-048 [Washington: GPO, 2022], p. 1450.

⁵² BIA, “FY2024 Budget in Brief,” pp. BIA-4 and BIA-8.

Budget Formulation and Execution

Since the 1970s, Congress and many tribes have expressed interest in enabling tribal input into determining both who is eligible to receive BIA programs and services as well as how much funding should be allocated for those BIA programs and services. Tribes traditionally reported the number of American Indians and Alaska Natives living on or near reservations or communities eligible to receive BIA programs and services (service populations). Through BIA's budget processes, tribes increasingly have been able to influence the amount of funding that BIA or tribes receive for those programs and services.

Indian Priority System

Since the 1970s, Congress has expressed interest in enabling tribes to have greater influence over their own funding and program decisions, as noted.⁵³ Beginning with the FY1973 budget, BIA created an Indian Priority System (IPS) process, which allowed tribal input in BIA budget formulation for OIP funding provided to the agency (field) offices, including tribes with ISDEAA agreements in those locations.⁵⁴ BIA and tribes jointly ranked IPS programs assuming different funding levels. BIA's headquarters then consolidated the input into BIA's annual budget request.⁵⁵

Tribal Priority Allocation (TPA) and Non-TPA Funding

Although the IPS process initially appeared to work as Congress intended (allowing for tribal input into BIA's budget), Congress and the Government Accountability Office (GAO) later expressed concern that the IPS system was not achieving its intended purpose.⁵⁶ In the FY1991 Department of the Interior and Related Agencies Appropriations Act and its accompanying reports, Congress called for BIA to establish a budget reform task force.⁵⁷ DOI created the Joint Tribal/BIA/DOI Advisory Task Force, which recommended that BIA shift control over its budget decisions to the local level, and that BIA establish a new "tribal budget system" to measure the "relative needs" of each tribe for all programs.⁵⁸ According to the task force, this methodology would enable BIA and tribes to propose "needs-based" budgets.⁵⁹

⁵³ See, for example, ISDEAA (P.L. 93-638).

⁵⁴ The initial amounts included in the Indian Priority System (IPS) were based on the FY1972 budget request. GAO, *Indian Programs—Tribal Influence in Formulating Budget Priorities is Limited*, GAO/RCED-91-20, February 1991, p. 8, at <https://www.gao.gov/assets/rced-91-20.pdf> (hereinafter GAO, *Tribal Influence*). See also BIA, "TPA Report on Tribal Priority Allocations, July 1999, p. 19, at <https://www.tribalsegov.org/wp-content/uploads/2021/05/BIA-Report-of-TPA.pdf> (hereinafter BIA, "TPA Report").

⁵⁵ GAO, *Tribal Influence*, pp. 6 and 18.

⁵⁶ *Ibid.*

⁵⁷ P.L. 101-512, Division G, Title I, Bureau of Indian Affairs, Operation of Indian Programs. Earlier, in its report on FY1991 appropriations legislation, the House Appropriations Committee directed that DOI establish a task force of tribal leaders and agency officials to "improve the tribal budgeting and priority setting process." U.S. Congress, House Committee on Appropriations, *Department of the Interior and Related Agencies Appropriations Bill, 1991*, report to accompany H.R. 5769, 101st Cong., 2nd sess., H.Rept. 101-789, 1990, p. 73.

⁵⁸ U.S. Congress, House Committee on Natural Resources, *Oversight Hearing on the Joint Tribal/BIA/DOI Advisory Task Force on the Bureau of Indian Affairs Reorganization to the Secretary of the Interior and Appropriations Committee*, 103rd Cong., 1st sess., January 27, 1993, Serial No. 103-1 Part I (Washington: GPO, 1993), pp. 24 and 107 (hereinafter *Task Force Hearing*).

⁵⁹ *Task Force Hearing*.

With congressional approval, BIA transitioned to a new tribal budget system from FY1993 to FY1994.⁶⁰ BIA's new tribal budget system was based on the IPS, but with some changes. Although both systems aimed to enable tribal input in BIA budget formulation, the IPS was based on BIA's organizational structure (the amount of funding provided to agency [field] offices and associated tribes), whereas the new system proposed to allocate funding based on program function. In its FY1994 budget justification, BIA proposed creating *tribal priority allocations* (TPAs), a designation given to specific, recurring BIA budget line items or activities that support tribal services, or that tribes can assume through ISDEAA agreements.⁶¹ TPA funding is recurring, base funding for most programs within BIA's largest account—the OIP account.⁶² Due to ISDEAA's prohibition on tribes assuming inherently federal functions, BIA generally excludes programs that involve BIA oversight, trust management, or activities resulting from legal decisions from the TPA designation.⁶³

In addition to TPA base funding, tribes receive recurring “non base” program-specific BIA funding. In contrast to base funds, BIA resources for each of these programs are allocated to tribes using a specific method of distribution, most commonly formulas. Examples of these “non base” BIA programs based on formulas include welfare assistance, housing improvement, and road maintenance.⁶⁴ BIA also provides limited, or one-time, nonrecurring program funding, sometimes through competitive grant processes.

Tribal influence in setting TPA funding levels has varied over time. GAO reported that tribes had limited input in the initial TPA amounts proposed by BIA.⁶⁵ The TPA levels set in BIA's FY1994 budget justification set the historical baseline for the amount of TPA funding BIA would distribute to each tribe; however, BIA's process for determining the initial TPA funding levels per tribe is not well documented. Some tribes were able to influence initial TPA levels through the initial tribal shares process, as outlined in the text box below.

⁶⁰ BIA, *Budget Justifications and Performance Information Fiscal Year 1993, Bureau of Indian Affairs*, p. 25, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/ocfo/ocfo/pdf/1993_Budget_Justifications.pdf. For example, in its report on FY1993 appropriations legislation, the Senate Appropriations Committee agreed to a restructuring of BIA's budget per the task force's recommendations (U.S. Congress, Senate Committee on Appropriations, *Department of the Interior and Related Agencies Appropriations Act, 1993*, report to accompany H.R. 5503, 102nd Cong., 2nd sess., S.Rept. 102-345, 1992, p. 48).

⁶¹ BIA, *Budget Justifications and Performance Information Fiscal Year 1994, Bureau of Indian Affairs*, p. 18, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/ocfo/ocfo/pdf/1994_Budget_Justifications.pdf.

⁶² BIA, “Indian Affairs Manual, Distribution of Resources,” p. 10, at https://www.bia.gov/sites/default/files/dup/assets/public/raca/manual/pdf/26-IAM-3_Distribution-of-Resources_FINAL_Signed_508_1.pdf (hereinafter BIA, “Distribution of Resources”).

⁶³ Personal communication between CRS and BIA, June 1, 2023. See also the Appendix Table A1.

⁶⁴ BIA, “Distribution of Resources,” p. 10.

⁶⁵ GAO, *BIA's Distribution of Tribal Priority Allocations*, GAO/T-RCED-98-168, 1998, p. 3, at <https://www.gao.gov/assets/t-rced-98-168.pdf> (hereinafter GAO, *TPAs*).

Tribal Shares

BIA must provide tribes entering into an ISDEAA agreement with a *tribal share*—a portion of BIA funds and resources—for the tribe to execute the agreement. In 1990, BIA developed the tribal shares process to determine the amount available in each BIA region for tribes if they chose to enter into ISDEAA agreements. BIA invited tribes to participate. If a tribe later chose to enter into an ISDEAA agreement, the BIA regions would submit a request to BIA headquarters to transfer these funds to annual recurring TPA “base” funding for the tribe. BIA used tribal share amounts to establish TPA base funding amount distributions for tribes with ISDEAA agreements. The tribal shares process also affected initial TPA funding allocations to tribes still receiving services from BIA; after the tribal shares process was complete, BIA allocated the remaining funding as base TPA funding to those tribes.

Source: 25 U.S.C. §5361; 25 C.F.R. 900.8(h); 25 C.F.R. 1000.97; BIA, “FY2024 Budget Justifications,” p. IA-TG-4; and personal communication between CRS and BIA, February 8, 2023, and June 1, 2023.

In 1999, BIA institutionalized tribal input in budget formulation for TPA and some non-TPA BIA funding by establishing the Tribal Budget Advisory Committee.⁶⁶ This group, now known as the Tribal Interior Budget Council or TIBC, provides a forum and process for tribes to identify priorities and provide other input to DOI officials developing BIA’s annual budget requests.⁶⁷ According to BIA, the TIBC incorporates tribal input throughout the budget formulation process and provides a more structured way to capture tribal input than during the prior IPS process.⁶⁸ During budget formulation, DOI issues a data call to tribes seeking input on prioritization of funding for the President’s budget request.⁶⁹ DOI provides tribes with a data collection ranking tool to outline their top funding preferences within each of the following eight bundled TPA categories:

1. Strengthening Tribal Communities;
2. Trust Natural Resources Management;
3. Trust Land and Water Rights Management;
4. Public Safety and Justice;
5. Economic Development;
6. Education;
7. Construction; and
8. Resource Management Construction.⁷⁰

DOI considers the ranked tribal preferences and adjusts the amounts to include tribal pay costs and other fixed cost increases.⁷¹ DOI then compiles this information into the BIA’s annual budget request. See the **Appendix** for a list of the FY2024 OIP account’s TPA and non-TPA sub-

⁶⁶ The establishment of the Tribal Budget Advisory Committee was prompted partially by the Tribal Self-Governance Act (TSGA; P.L. 103-413), which required the Secretary of the Interior to consult with tribes and tribal organizations in the development of BIA annual budget requests (personal communication between CRS and BIA, February 28, 2023).

⁶⁷ National Congress of American Indians (NCAI), “About TIBC,” at <https://www.ncai.org/initiatives/bia-tribal-budget-advisory-council>.

⁶⁸ Personal communication between CRS and BIA, June 1, 2023.

⁶⁹ See BIA, “FY 2025 Tribal Budget Formulation- Preferred Program (Ranking) Tool,” at https://www.bia.gov/sites/default/files/dup/inline-files/attachment_d_tribal_preferred_program_ranking_tool_2025_0.pdf.

⁷⁰ Ibid. The budget formulation process includes Bureau of Indian Education funding although it receives separate appropriations.

⁷¹ ISDEAA entitles tribes operating federal programs under ISDEAA agreements to the same rate of pay increases as federal employees. BIA sends out an annual data call requesting the tribal salary and full-time equivalent (employee) information. See BIA, “Distribution of Resources,” p. 14.

activities based on the TIBC prioritization process. Congress approves or alters the budget request as part of the appropriations process.

Funding Allocation to Tribes

Since BIA's initial TPA base funding determinations in the 1990s, TPA amounts and allocations to tribes have fluctuated. After BIA appropriations are enacted, BIA allocates TPA funding to its regions to directly operate programs for tribes, and also allocates funding to tribes with ISDEAA agreements. BIA allocates appropriations increases that are not directed to a specific tribe on a pro-rata basis based on their tribal share (for tribes with ISDEAA agreements) or historical funding levels (for direct service tribes).⁷² Starting in FY2000, Congress also authorized BIA to allow tribes with ISDEAA agreements to move TPA funds from one TPA program to another without approval from the appropriations committees, known as *reprogramming*.⁷³

On occasion, Congress has appropriated funding above historical TPA amounts. For example, Congress has appropriated funding to tribes for specific purposes or projects.⁷⁴ Congress also has authorized BIA to create new TPAs for certain tribal groups. For example, because newly federally recognized tribes did not participate in the 1990 tribal shares process, and therefore do not have a historic TPA baseline amount, BIA's New Tribes TPA provides base funding for these tribes to establish and carry out the day-to-day responsibilities of a tribal government.⁷⁵ The amount available depends on the tribe's population.⁷⁶ In addition, to support small and economically disadvantaged groups, Congress established the Small and Needy Tribes Supplement TPA in the FY1997 Department of the Interior and Related Agencies Appropriations Act (P.L. 105-83). This TPA attempts to provide tribes meeting population size and geographic criteria with minimum TPA base funding to run viable tribal governments.⁷⁷

Issues and Options for Congress

A number of issues arise for Congress in deciding the type and nature of BIA appropriations. One consideration is the appropriate form of BIA appropriations, including whether discretionary, mandatory, and/or advance appropriations best suit BIA programs or activities. Another consideration is Congress's role in authorizing, appropriating, and conducting oversight of those

⁷² Personal Communication between CRS and BIA, February 10, 2023.

⁷³ P.L. 106-113, Appendix C-H.R. 3423, Title I, General Provisions, §127. Among other reasons, this reprogramming was permitted "to alleviate tribal funding inequities by transferring funds to address identified unmet needs."

⁷⁴ Catherine Curtis and Miriam Jorgensen, "American Indian Tribes' Financial Accountability to the United States Government: Context, Procedures and Implications," *Aboriginal Policy Research Consortium International*, vol. 2, 2004, p. 19, at <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1296&context=aprci> (hereinafter Curtis, "Tribes' Accountability").

⁷⁵ BIA, "FY2024 Budget Justifications," p. IA-TG-5.

⁷⁶ BIA, "Fund Distribution Process- New Tribes (TPA)," p. 1, at <https://www.bia.gov/sites/default/files/dup/assets/as-ia/obpm/2-OIS%20-%20New%20Tribes%20%28TPA%29.pdf>. As of BIA's FY2024 budget justification, there were no newly recognized tribes. BIA's current distribution formula for each new tribe is as follows: populations of less than or equal to 1,700 receive \$160,000; populations between 1,700 and 3,500 receive \$320,000; and populations over 3,500 receive funding determined on a case-by-case basis. Once a tribe has been federally recognized, its designated funding remains in the New Tribes TPA line item for three fiscal years, at which time the funding is then transferred to the tribe's newly established Aid to Tribal Government TPA.

⁷⁷ BIA, "FY2024 Budget Justifications," p. IA-TG-5. The threshold for receiving funding from this TPA is based on population size (fewer than 1,700 people) and location (Alaska or the lower 48 states). As of 2023, there are 574 federally recognized tribes, of which an estimated 200 fall into the small and needy tribes category. Each such tribe in Alaska receives \$200,000. Each such tribe in the lower 48 states receives \$160,000.

programs or activities. Congress also has debated the appropriate methodology for allocating BIA funding to tribes.

Form of Appropriations

Congress may consider changing the form of some BIA appropriations for various reasons. Some Members of Congress, GAO, some tribes, and various courts have expressed that Congress and BIA should ensure timely and reliable disbursement of funds, especially funds tied to the implementation of ISDEAA agreements.⁷⁸ Congress could consider several options to address these issues, including providing BIA programs with advance appropriations or additional mandatory appropriations.⁷⁹ However, Congress might be reluctant to provide advance appropriations or mandatory appropriations for these purposes as potentially limiting regular congressional oversight over government spending, among other reasons.

Advance Appropriations

The timeliness of federal appropriations, including BIA funding for tribes, has been raised as an issue for Congress. Some tribes have advocated for BIA advance appropriations to mitigate tribal impacts of government shutdowns and continuing resolutions. However, historically Congress has been generally reluctant to provide advance appropriations because they potentially limit congressional oversight over government spending.

Some Members of Congress, GAO, BIA, and some tribes have noted that when annual appropriations are not enacted by the start of the fiscal year, it can disrupt critical tribal services and result in administrative burdens and costs.⁸⁰ At several congressional hearings, tribes have testified to the negative consequences of government shutdowns and federal funding uncertainties, especially for public safety and tribal economic development.⁸¹ Many tribes have

⁷⁸ See *Cherokee Nation of Okla. v. Leavitt*, 543 U.S. 631, 647 (2005); *Salazar v. Ramah Navajo Chapter*, 132 S. Ct 2181 (2012); *Maniilaq Ass'n v. Burwell*, 72 F. Supp. 3d 227 (D.D.C. 2014); and *Maniilaq Ass'n v. Burwell*, 170 F. Supp. 3d 243 (D.D.C. 2016).

⁷⁹ For an overview of advance appropriations and other types of funding, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*, by Jessica Tollestrup and Megan S. Lynch. For an overview of mandatory appropriations, see CRS Report R44582, *Overview of Funding Mechanisms in the Federal Budget Process, and Selected Examples*, by Jessica Tollestrup.

⁸⁰ GAO, *Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients*, 23-105473, December 2022, pp. 17-18, at <https://www.gao.gov/assets/gao-23-105473.pdf>. For example, BIA has to modify ISDEAA agreements each time a new continuing resolution is enacted to conform to limits on available funding. During a government shutdown, some tribes have redistributed funds from other budget categories to replace federal funding.

⁸¹ See Letter from Affiliated Tribes of Northwest Indians, U.S. Congress, House Committee on the Budget, *Budget Priorities: Members Day*, hearing Before the Committee on the Budget, 116th Cong., 2nd sess., February 27, 2020, H. Hrg. 41-284 (Washington: GPO, 2020), p. 24; Letter from Navajo Nation, U.S. Congress, House Committee on the Budget, *Budget Priorities: Members Day*, hearing Before the Committee on the Budget, 116th Cong., 2nd sess., February 27, 2020, H. Hrg. 41-284 (Washington: GPO, 2020), p. 31; and Letter from the Self Governance Education and Communication Tribal Consortium, U.S. Congress, House Committee on the Budget, *Budget Priorities: Members Day*, hearing Before the Committee on the Budget, 116th Cong., 2nd sess., February 27, 2020, H. Hrg. 41-284 (Washington: GPO, 2020), p. 37. See also Testimony of David. R. Boxley, Councilmember and Chairman of the Finance Committee of the Metlakatla Indian Community, U.S. Congress, House Appropriations Committee, Interior and Environment Subcommittee, *American Indian and Alaska Native Public Witness Day 1*, March 8, 2023, p. 2, at <https://docs.house.gov/meetings/AP/AP06/20230308/115411/HHRG-118-AP06-Wstate-BoxleyD-20230308.pdf>.

expressed support for advance appropriations to mitigate tribal impacts of government shutdowns, and to uphold federal treaty and trust obligations.⁸²

In limited instances outside the annual appropriations context, Congress has provided BIA with advance appropriations.⁸³ However, some Members of Congress have supported providing BIA with advance appropriations on an ongoing basis specifically to avoid the impacts of delayed or lapsed appropriations.⁸⁴ Advance appropriations may raise congressional concerns about a lack of oversight on government spending. In addition, such commitments prior to the budget year may effectively constrain future budgetary resources.⁸⁵ Because of this, congressional mechanisms for budget enforcement routinely include provisions limiting advance appropriations to specified accounts and funding levels.⁸⁶

Mandatory Appropriations

Mandatory appropriations also have been of interest to Congress as an alternative to advance appropriations, or perhaps in addition. Some tribes and courts have stated that Congress and BIA should ensure timely and reliable disbursement of funds, especially funds tied to the implementation of ISDEAA agreements such as CSCs and PTLs funding.⁸⁷ However, those two accounts currently are indefinite discretionary accounts, and therefore may already receive adequate funding to meet legal obligations (except when an appropriations funding gap occurs, such as during a government shutdown). Also, Congress has historically been reluctant to provide mandatory appropriations because they potentially limit congressional oversight over government spending.

For several reasons, some Members of Congress, BIA, and some tribes support moving CSCs and PTLs to mandatory spending.⁸⁸ First, the government will continue to be legally required to pay CSCs and PTLs even as the costs are expected to increase. Second, some have expressed concern

⁸² See, for example, NCAI, “Resolution #ECWS-19-001, Support for Advance Appropriations for the Bureau of Indian Affairs and Indian Health Service,” at https://www.ncai.org/attachments/Resolution_vkouAZmrehTqskEUMrBcxaBCihXkHApCJyGwXAwyjOkhwIcYAGi_ECWS-19-001%20Advance%20Appropriations%20FINAL.pdf. See also tribal testimonies at U.S. Congress, House Appropriations Committee, *American Indian and Alaska Native Public Witness Day 1*, March 8, 2023.

⁸³ The Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) provided advance appropriations for non-entitlement programs, including BIA road maintenance, construction, and climate resilience.

⁸⁴ See Statement of Rep. Betty McCollum, U.S. Congress, House Committee on the Budget, *Budget Priorities: Members Day*, hearing Before the Committee on the Budget, 116th Cong., 2nd sess., February 27, 2020, H. Hrg. 41-284 (Washington: GPO, 2020), p. 10. See also Statement of Rep. Tom Cole, U.S. Congress, House Committee on the Budget, *Budget Priorities: Members Day*, hearing Before the Committee on the Budget, 116th Cong., 2nd sess., February 27, 2020, H. Hrg. 41-284 (Washington: GPO, 2020), p. 74. See also H.R. 1128/S. 229 from the 116th Congress; H.R. 5567/S. 2985 and H.R. 9439/S. 5186 from the 117th Congress.

⁸⁵ For more information on congressional limits regarding advance appropriations, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*, by Jessica Tollestrup and Megan S. Lynch.

⁸⁶ See, for example, S.Con.Res. 14, §4002.

⁸⁷ Some tribes also have asserted that Congress should provide mandatory funding for all federal programs and services to ensure the federal government meets its trust responsibility. See U.S. Congress, House Appropriations Committee, Interior, Environment, and Related Agencies Subcommittee, *American Indian and Alaska Native Public Witness Day 1*, March 8, 2023, Testimony of W. Ron Allen, Tribal Chairman/CEO, Jamestown S’klallam Tribe, p. 1, at <https://docs.house.gov/meetings/AP/AP06/20230308/115412/HHRG-118-AP06-Wstate-AllenW-20230308.pdf>.

⁸⁸ See Testimony of President Kirk Francis, United South and Eastern Tribes Sovereignty Protection Fund, U.S. Congress, House Appropriations Committee, *American Indian and Alaska Native Public Witness Day 1*, March 8, 2023, at <https://docs.house.gov/meetings/AP/AP06/20230308/115411/HHRG-118-AP06-Wstate-FrancisK-20230308.pdf>.

that the continued growth of CSCs and PTLs obligations could reduce funding available for other BIA programs in annual discretionary appropriations acts.⁸⁹

BIA and Congress have considered moving CSCs and PTLs to mandatory spending. BIA has requested that one or both of these accounts receive mandatory funding in several budget requests.⁹⁰ During the FY2023 appropriations process, the Interior appropriations bill introduced in the Senate by the Chair of the Interior Appropriations Subcommittee would have made the CSCs and PTLs accounts into “appropriated entitlements”—when Congress creates a mandatory spending program in authorizing law but funds it in annual appropriations acts.⁹¹

Funding Flexibility and Oversight

The extent to which BIA and tribes should have flexibility in funding has been under debate. Flexibility in funding distributions may promote tribal self-determination and fulfill the federal trust responsibility. It may also mitigate the impacts of the uncertain timing of the congressional appropriations process. On the other hand, BIA and tribal spending flexibility may limit Congress’s ability to set budget priorities and oversee agency processes. Less oversight may also lead to reduced BIA and tribal accountability for their use of federal funds.

As part of the federal policy supporting tribal self-determination, Congress has provided tribes with ISDEAA agreements some flexibility in spending BIA appropriations. Starting in FY2000, Congress has authorized tribes with ISDEAA agreements to reprogram TPA funds to meet their needs.⁹² Due to this authority, tribes with ISDEAA agreements may have more flexibility in their spending allocations than tribes without ISDEAA agreements. Congress may consider directing BIA to distribute additional BIA funds through ISDEAA agreements, especially for emergency funding, which often has time pressures.⁹³

Outside of the ISDEAA context, Congress may consider appropriating a larger share of BIA appropriations within BIA’s Aid to Tribal Government TPA. Located within BIA’s OIP account,

⁸⁹ For example, the House Committee on Appropriations noted that CSCs have “the potential to impact all other programs funded under the Interior and Environment Appropriations bill, including other equally important tribal programs.” (FY2016 Explanatory Statement, p. H10218). In addition, the House Committee on Appropriations commented that BIA’s difficulty in predicting leasing costs placed the House and Senate Committees on Appropriations “in the difficult position where rapidly escalating requirements for lease costs are negatively impacting the ability to use discretionary appropriations to support core tribal programs.” (U.S. Congress, House Committee on Appropriations, *Further Consolidated Appropriations Act, 2020* [H.R. 1865; P.L. 116-94], committee print, 116th Cong., 1st sess., January 2020, H.Prt.38-679 [Washington: GPO, 2020], p. 583). See also Testimony of W. Ron Allen, Tribal Chairman/CEO, Jamestown S’klallam Tribe, U.S. Congress, House Appropriations Committee, Interior, Environment, and Related Agencies Subcommittee, *American Indian and Alaska Native Public Witness Day 1*, March 8, 2023, p. 1, at <https://docs.house.gov/meetings/AP/AP06/20230308/115412/HHRG-118-AP06-Wstate-AllenW-20230308.pdf>.

⁹⁰ See, for example, BIA, *Budget Justifications and Performance Information Fiscal Year 2016, Bureau of Indian Affairs*, p. IA-ES-6, at <https://www.bia.gov/sites/default/files/dup/assets/as-ia/ocfo/ocfo/pdf/FY2016Greenbookidc1-031356.pdf>. See also BIA, “FY2024 Budget in Brief,” p. BIA-5.

⁹¹ S. 4686, §437.

⁹² See P.L. 106-113, Appendix C-H.R. 3423, Title I, General Provisions, §127. See also U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2023* (H.R. 2617; P.L. 117-328), committee print, 117th Cong., 2nd sess., 2023, H.Prt. 50-348 (Washington: GPO, 2023), p. 1523.

⁹³ As GAO has reported, using ISDEAA agreements to distribute at least \$400 million of the BIA OIP account’s CARES Act appropriation enabled tribes to access and use funds more quickly than the Department of the Treasury (GAO, *Lessons Learned Could Improve Future Distribution of Federal Emergency Relief to Tribal Recipients*, 23-105473, December 2022, p. 17, at <https://www.gao.gov/assets/gao-23-105473.pdf>). See also GAO, *Lessons Learned from Interior and Treasury’s Administration of CARES Act Funds Could Improve Federal Emergency Relief to Tribes*, 22-104349, October 2021, at <https://www.gao.gov/assets/gao-22-104349.pdf>.

this TPA provides baseline funding to tribes “to achieve and maintain stable government program and operational services.”⁹⁴ Because the purpose of this TPA is broad, many tribes advocated for the distribution of the majority of the tribal funding in the American Rescue Plan Act of 2021 (ARPA; P.L. 117-2) into this TPA.⁹⁵ Tribes also used this TPA for some distributions in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136).⁹⁶

On the other hand, Congress may be reluctant to provide BIA and tribes with funding flexibility because that could limit congressional oversight opportunities. For example, Congress has excluded certain activities from the TPA designation to minimize tribal reprogramming of funding for congressional priorities such as tribal law enforcement.⁹⁷ Congress has also expressed interest in overseeing funding for BIA programs at high risk for waste, fraud and abuse, such as tribal energy resources.⁹⁸ Another factor is BIA’s prior mismanagement of some funds; Congress enacted the Indian Trust Fund Management Reform Act of 1994, which created OST, to implement trust fund management reforms.⁹⁹

To promote BIA funds oversight, Congress could encourage transparency in tracking federal funds and funding decisions affecting tribes, including BIA funding. A 2022 GAO report found that all federal agencies, including BIA, lack consistent data on federal spending on tribes, which makes it difficult to assess whether current federal spending is meeting tribal needs.¹⁰⁰ Both the U.S. Commission on Civil Rights and GAO recommended that the Office of Management and Budget (OMB) develop government-wide standards for tracking and reporting spending on tribal programs.¹⁰¹ Congress could consider delineating how OMB or agencies such as BIA should track and report tribal-related funds.

⁹⁴ BIA, “FY2024 Budget Justifications,” p. Appendix 1-1, at https://www.bia.gov/sites/default/files/dup/inline-files/bia_2024_greenbook.pdf.

⁹⁵ BIA, “Tribal Consultation Written Comments Received, American Rescue Plan- Indian Affairs Appropriations,” pp. 9-15, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/pdf/Comment_Compilation_ARP_FINAL_508_Compliant.pdf. See also BIA, “Indian Affairs Begins Disbursement of \$900 Million in American Rescue Plan Funding to Tribes Across Indian Country,” at <https://www.bia.gov/news/indian-affairs-begins-disbursement-900-million-american-rescue-plan-funding-tribes-across>.

⁹⁶ DOI Office of the Assistant Secretary—Indian Affairs, “Information Sheet, CARES Act Operation of Indian Programs and Indian Education Programs,” April 15, 2020, at <https://www.bia.gov/sites/default/files/dup/assets/as-ia/opa/pdf/FINAL>.

⁹⁷ U.S. Congress, House Committee on Appropriations, *Department of the Interior and Related Agencies Appropriations Bill, 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H. Prt. 105-825, 1998, pp. 1208-1209.

⁹⁸ GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, GAO-23-106203, April 20, 2023, at <https://files.gao.gov/reports/GAO-23-106203/index.html#appendix14>. See also U.S. Congress, Senate Committee on Indian Affairs, *The GAO Report on Indian Energy Development: Poor Management by BIA Has Hindered Energy Development*, 115th Cong., 1st sess., October 21, 2015, S. Hrg. 114-240 (Washington: GPO, 2016).

⁹⁹ 25 U.S.C. §4001 et seq. As of September 2022, the federal government held more than \$8 billion in trust funds on behalf of tribes and thousands of Individual Indian Money (IIM) account holders from revenue generated by activities on tribal trust and restricted fee lands, such as leasing for agricultural purposes or oil and gas production. See GAO, *Tribal Programs- Actions Needed to Improve Interior’s Management of Trust Services*, GAO-23-105356, April 2023, p. 1, at <https://www.gao.gov/assets/gao-23-105356.pdf>. See also 25 U.S.C. §161a and 25 U.S.C. §162a.

¹⁰⁰ GAO, *Tribal Funding- Actions Needed to Improve Information on Federal Funds that Benefit Native Americans*, 22-104602, 2022, p. 1, at <https://www.gao.gov/assets/gao-22-104602.pdf> (hereinafter GAO, *Tribal Funding*).

¹⁰¹ The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957 that, among other things, submits reports and recommendations to Congress. See U.S. Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*, July 2003, p. xiv, at <https://www.usccr.gov/files/pubs/na0703/na0204.pdf>; and GAO, *Tribal Funding*, p. 1.

Timeliness of BIA's Distribution of Funding

In its oversight role, Congress also could evaluate the timeliness of BIA fund disbursement to tribes. In 2019, GAO reported that BIA was delayed in distributing ISDEAA funding to tribes, which adversely affected tribes in various ways, including lost opportunities to use tribal funds for improving economic conditions, reduced other services provided to tribal communities, and furloughed tribal government employees. GAO recommended that DOI develop processes to share how it makes funding determinations, and track and monitor the disbursement of funds within set time frames, and BIA complied. GAO also found that BIA staff shortages in key positions at the Office of Self Governance (which implements ISDEAA agreements with tribes) contributed to these delayed disbursements.

Source: GAO, *Interior Should Address Factors Hindering Tribal Administration of Federal Programs*, January 3, 2019, GAO-19-87, p. 18, at <https://www.gao.gov/products/gao-19-87>.

Whether and how to foster additional tribal accountability for spending federal dollars may be another issue for Congress. Congress has made tribes using ISDEAA agreements subject to auditing and financial reporting requirements, although it also has sought to streamline these processes in recent years.¹⁰² Despite these safeguards, federal agencies such as DOI's Office of Inspector General (OIG) have reported instances where some tribes did not submit required reports on, or otherwise did not appropriately track and monitor, BIA funding.¹⁰³ In line with DOI OIG recommendations, Congress could direct BIA to issue standardized procedures and provide more trainings to agency staff, as well as tribes, on fund reporting and other requirements.¹⁰⁴ Congress may also consider bolstering tribal capacity to meet federal reporting standards. Some tribes, especially small or remote tribes, may have limited staff resources, which might hinder their effective use, and accounting of, federal funds.

Funding Allocation

BIA relies on TPAs, which are based on historical funding levels, in its budget formulation and execution processes (for details, see section "Budget Formulation and Execution"). This approach has been supported for promoting tribal self-determination, and opposed for potentially causing tribal inequities. Alternatively, Congress may evaluate the possibility of basing TPA distributions on current factors that may serve as a proxy for tribal needs, such as population, land area, geographic location, or poverty rates.

Some tribal groups have stated that tribal participation in setting annual TPA (and some non-TPA) levels during TIBC meetings promotes tribal self-determination.¹⁰⁵ As noted, TPAs also give flexibility to tribes with ISDEAA agreements to reallocate funding to meet tribal needs.

Nevertheless, some tribes have asserted that reliance on TPA funding levels may result in funding inequities among tribes. For example, every tribe's TPA funding amount is adjusted by the same

¹⁰² 25 U.S.C. §5305 and 25 U.S.C. §5365. In the 2020 PROGRESS for Indian Tribes Act, P.L. 116-180, Congress sought to streamline DOI's process for approving ISDEAA agreements and associated funding (S.Rept. 116-34).

¹⁰³ See DOI, Office of Inspector General (OIG), *The Bureau of Indian Affairs Great Plains Region Did Not Oversee CARES Act Funds Appropriately*, Report Number 2021-FIN-032, at <https://www.doioig.gov/reports/management-advisory/bureau-indian-affairs-great-plains-region-did-not-oversee-cares-act>. See also DOI, OIG, *The Omaha Tribe Did Not Account for CARES Act Funds Appropriately*, Report Number 2021-FIN-032-B, at <https://www.doioig.gov/reports/audit/omaha-tribe-did-not-account-cares-act-funds-appropriately>.

¹⁰⁴ DOI, OIG, *The Bureau of Indian Affairs Great Plains Region Did Not Oversee CARES Act Funds Appropriately*, Report Number 2021-FIN-032, p. 3, at <https://www.doioig.gov/reports/management-advisory/bureau-indian-affairs-great-plains-region-did-not-oversee-cares-act>.

¹⁰⁵ NCAI, which cohosts TIBC meetings with DOI, asserted that the TIBC process "allows for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights." NCAI, "About TIBC," at <https://www.ncai.org/initiatives/bia-tribal-budget-advisory-council>.

percentage as the overall TPA increase or decrease provided in appropriations, regardless of tribal need or financial assets.¹⁰⁶ Although participants at the annual TIBC meetings discuss tribal needs, some groups do not participate in the TIBC process, or do not participate at the same level as other groups.¹⁰⁷ To address this issue, some tribes and tribal groups have asked Congress to direct BIA to conduct ongoing or periodic needs assessments, which would include the cost of funding unmet needs within BIA's OIP account.¹⁰⁸

As it has done in the past, Congress could direct BIA to use an alternative TPA methodology that includes current tribal needs assessments.¹⁰⁹ For example, in 2020, Congress amended ISDEAA to ensure ongoing needs assessments for tribes with ISDEAA agreements.¹¹⁰ Pursuant to the law, tribes may submit reports of their unmet funding needs of self-governance compacts to both DOI and Congress.¹¹¹ Considering BIA's reported difficulty in estimating ISDEAA agreement needs, these tribal reports may inform congressional oversight and decisionmaking on funding for tribes entering ISDEAA agreements.¹¹² This type of reporting may be especially helpful for tribes that did not establish tribal shares in 1990. Congress also could consider requiring BIA to conduct periodic surveys of tribes to see which tribes are interested in ISDEAA agreements.¹¹³

Congress could also consider some tribal suggestions to base BIA funding distributions on current factors that may serve as a proxy for tribal needs, such as population, land area, geographic location, or poverty rates.¹¹⁴ In the past, BIA has evaluated and dismissed some of these factors, such as location, due to the challenge of comparing tribes across regions.¹¹⁵ The next section addresses some issues related to funding allocation based on population.

Funding Allocation Based on Tribal Population

BIA has relied on service population data to determine the tribal population eligible for BIA programs and services in various service areas (for details, see section "Tribal Population Eligible for BIA Services"). This approach has been supported for enabling tribes with reservations to

¹⁰⁶ GAO, *BIA's Tribal Priority Allocations Do Not Target the Neediest Tribes*, GAO/T-RCED-98-181, 1998, p. 4, at <https://www.gao.gov/assets/t-rced-98-168.pdf> (hereinafter GAO, *TPAs*).

¹⁰⁷ NCAI, Tribal Interior Budget Council, "2025 Tribal Submission by Region," at https://ncai.org/initiatives/tibc/2025_Tribal_Submission_Status_by_Region.pdf. For example, in the FY2025 BIA budget formulation process, BIA received submissions from 7% of Alaska Natives in the Alaska Region as compared to 100% from the Eastern Oklahoma Region.

¹⁰⁸ See, for example, 164 Cong. Rec. H2045, H2618 (Mar. 22, 2018). See also NCAI, "Indian Country Budget Request, 2022," p. 37, at https://www.ncai.org/resources/ncai-publications/NCAI_IndianCountry_FY2022_BudgetRequest.pdf.

¹⁰⁹ In the FY1998 appropriations act, Congress directed BIA to provide alternative methods of distributing TPA funds that would "consider tribal revenues and relative needs of tribes and tribal members." P.L. 105-277, Title III General Provisions, §129(b). The Senate Committee on Appropriations stated that "TPA funding should be distributed to tribes in order of economic need ... Indian tribes that are most economically disadvantaged should receive the majority of funds." S.Rept. 105-56, p. 51. See also S. 612, Indian Needs Assessment and Program Evaluation Act of 1999.

¹¹⁰ P.L. 116-180 (PROGRESS for Indian Tribes Act).

¹¹¹ 25 U.S.C. §5372(a)(2).

¹¹² GAO, *Interior Should Address Factors Hindering Tribal Administration of Federal Programs*, January 3, 2019, GAO-19-87, p. 24, at <https://www.gao.gov/products/gao-19-87>.

¹¹³ See S. 612, Indian Needs Assessment and Program Evaluation Act of 1999.

¹¹⁴ BIA, "Tribal Consultation Written Comments Received, American Rescue Plan- Indian Affairs Appropriations," pp. 20-23, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/pdf/Comment_Compilation_ARP_FINAL_508_Compliant.pdf.

¹¹⁵ BIA, "TPA Report," p. 24. For example, BIA evaluated the possibility of providing each BIA region with the same amount of natural resource funding for each acre of Indian trust land. However, this approach failed to consider other factors, such as the variety of natural resources, and associated needs, across regions.

include tribal members who are landless or have off-reservation lands, and opposed for inadequately accounting for tribes without reservations.

Some tribes believe that service population continues to be an appropriate metric for BIA fund allocation because it can be inclusive of individual AI/ANs regardless of tribal membership. It allows tribes to include tribal members that are not part of their tribe but live within the boundaries of the tribal reservation for purposes of receiving BIA services.¹¹⁶ Another potential advantage of this approach is that service population data were historically published, which promoted transparency.¹¹⁷ Most tribes submitted population data for BIA's biannual population report.¹¹⁸ However, BIA has not publicly published this information since 2014.¹¹⁹

Using service population data may not be appropriate for all tribes, especially those without reservations. As noted, for many "reservation" tribes, service population means the tribal population living on or near the tribal reservation who are eligible for services.¹²⁰ However, many Oklahoma tribes and Alaska Natives do not have reservations, and therefore have different definitions of service population. In addition, some of the Oklahoma tribes' service areas, which are based on the tribes' last existing reservations, are larger than most tribes that currently have reservations. BIA has reported that these differences in tribal land holdings contribute to inconsistent service population definitions and data reporting.¹²¹

As an alternative to the historic TPA model or service population method, many tribes have expressed support for BIA's use of self-certified tribal enrollment data.¹²² Some tribes suggested that BIA use an adjusted enrollment methodology that incorporates not only enrollment but also need. For example, to ensure that small tribes receive adequate funding, and large tribes do not receive a disproportionately large share of funding, BIA could set minimum and maximum funding levels.

During the Biden Administration, BIA used tribal enrollment data to distribute some funding. BIA has claimed that enrollment data enable BIA and other federal agencies "to equitably distribute resources because it is a quantifiable representation of a Tribe's overall population."¹²³ For example, BIA used enrollment data to distribute supplemental funding such as ARPA and CARES

¹¹⁶ The NCAI asserts that the ability to consider areas beyond a reservation boundary is important because some tribes may be landless or have lands outside of their reservation boundaries. NCAI, *The Geospatial Dimensions of Tribal Data*, October 2017, p. 13, at https://www.ncai.org/policy-research-center/initiatives/Tribal_Data_Capacity_Geospatial_Data__10_31_2017_FINAL.pdf.

¹¹⁷ See, for example, DOI, "2013 American Indian Population and Labor Force Report," January 16, 2014, at <https://www.bia.gov/sites/default/files/dup/assets/public/pdf/idc1-024782.pdf>.

¹¹⁸ BIA, "TPA Report," p. 18. If a tribe did not submit data, BIA compiled the data.

¹¹⁹ The 2014 report is the most recent report that is publicly available.

¹²⁰ BIA, "TPA Report," p. 18.

¹²¹ In 2013, BIA chose to use U.S. Census population data instead of service population data "because of the lack of specific data for each tribe and its service population." See DOI, "2013 American Indian Population and Labor Force Report," January 16, 2014, p. 1, at <https://www.bia.gov/sites/default/files/dup/assets/public/pdf/idc1-024782.pdf>.

¹²² BIA, "Tribal Consultation Written Comments Received, American Rescue Plan- Indian Affairs Appropriations," p. 3, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/pdf/Comment_Compilation_ARP_FINAL_508_Compliant.pdf.

¹²³ BIA, "Welcome to the Indian Affairs FY2021 Tribal Enrollment Data Collection Form," p. 1, at <https://www.bia.gov/sites/default/files/dup/assets/as-ia/doc/Enrollment%20Collection%20Form%20-%20FINAL.pdf>.

Act funding.¹²⁴ BIA also used tribal enrollment data to determine the minimum tribal population for eligibility in the Small and Needy Tribe TPA distribution in FY2021 and FY2022.¹²⁵

Congress may consider directing some BIA fund allocation according to tribal enrollment data. For example, Congress may evaluate whether BIA's use of enrollment data for the Small and Needy Tribe supplement achieved congressional priorities, and if so, could consider doing the same for allocating funding to the Newly Recognized Tribe TPA. Additionally, Congress could consider establishing an interagency/intertribal workgroup to evaluate tribal population and enrollment data issues, and assess and build upon existing federal partnerships and initiatives.¹²⁶

¹²⁴ BIA, "Indian Affairs American Rescue Plan Methodology of Allocations," at <https://www.bia.gov/service/american-rescue-plan-act/indian-affairs-american-rescue-plan-methodology-allocations>. See also DOI Office of the Assistant Secretary—Indian Affairs, "Information Sheet, CARES Act Operation of Indian Programs and Indian Education Programs," April 15, 2020, at https://www.bia.gov/sites/default/files/dup/assets/as-ia/opa/pdf/FINAL-IA_CARES%20ACT_ProgramOperations_InfoSheet4.15.2020_508.pdf.

¹²⁵ DOI, "Dear Tribal Leader Letter- Small Tribe Supplement Methodology," August 4, 2022, p. BIA-3, at https://www.bia.gov/sites/default/files/dup/tcinfo/dttl-small-tribe-supplement-funding-methodology-8-4-22_508.pdf.

¹²⁶ The U.S. Commission on Civil Rights made this recommendation in its 2018 report, noting that the collection of tribal data was challenging for small and hard-to-count populations, including Native Americans. See U.S. Commission on Civil Rights, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, December 2018, p. 11, at <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>. Examples of existing initiatives include the "Memorandum of Understanding between the U.S. Census Bureau and the U.S. Department of the Interior Bureau of Indian Affairs," p. 1, at https://www2.census.gov/geo/pdfs/partnerships/BIA_Census_MOU_signed_1-13-16.pdf. Also, in January 2023, the U.S. Census Bureau published a new methodology to improve population counts and sex and age statistics for racial and ethnic groups, including tribes and Alaska Native villages (U.S. Census Bureau, "Census Bureau Releases Proof of Concept for Upcoming 2020 Census Product," press release, January 31, 2023, at <https://www.census.gov/newsroom/press-releases/2023/proof-of-concept-disclosure-avoidance-methodology.html>).

Appendix. Supplementary Table

**Table A-1 FY2023 Bureau of Indian Affairs (BIA) Operation of Indian Programs Account:
Tribal Priority Allocation (TPA) and Non-TPA Sub-activities**

Activity	TPA Sub-activity	Non-TPA Sub-activity
Tribal Government	Aid to Tribal Government	Tribal Government Program Oversight (Central and Regional)
	Consolidated Tribal Government Program	
	Self-Governance Compacts	
	New Tribes	
	Small Tribes Supplement	
	Road Maintenance	
Human Services	Social Services	Human Services Program Oversight (Central and Regional)
	Welfare Assistance	
	Indian Child Welfare Act	
	Housing Program	
	Human Services Tribal Design	
Trust- Natural Resource Management	Natural Resources	Irrigation Operations and Maintenance
		Rights Protection Implementation
		Tribal Management/Development Program
		Endangered Species
		Tribal Climate Resilience
		Integrated Resource Info Program
		Invasive Species
		Forestry Projects
		Water Management, Planning and Pre-development
		Fish, Wildlife, and Parks Projects

Activity	TPA Sub-activity	Non-TPA Sub-activity	
Trust-Real Estate Services	Energy and Minerals Program	Energy and Minerals Projects Energy and Minerals Oversight (Central- Energy Service Center) Energy and Minerals Oversight (Regional) Resource Management Program Oversight	
	Trust Services	Navajo-Hopi Settlement Program	
	Probate	Office of Hearings and Appeals Land Title and Records Offices Land Acquisitions	
	Real Estate Services Program	Real Estate Services Projects Land Records Improvement (Central and Regional)	
	Environmental Quality Program	Environmental Quality Projects	
	Alaska Native Programs		
	Rights Protection	Water Rights Negotiations/Litigation Litigation Support/Attorney Fees Other Indian Rights Protection Trust- Real Estate Services Oversight (Central and Regional)	
	Public Safety and Justice	Tribal Courts (Courts Operation and Maintenance)	Criminal Investigations and Police Services
		Fire Protection	Detention/Corrections Inspections/Internal Affairs Law Enforcement Special Initiatives Indian Police Academy Tribal Justice Support Law Enforcement Program Management Facilities Operation and Maintenance

Activity	TPA Sub-activity	Non-TPA Sub-activity
Community and Economic Development	Job Placement and Training	Community Development Oversight (Central)
	Economic Development	Economic Development Projects
Executive Direction and Administrative Services		Assistant Secretary Support
		Office of Subsistence Management
	Executive Direction	Executive Direction (Central and Regional)
	Administrative Services	Administrative Services (Central and Regional)
		Safety and Risk Management (Central)
		Safety Management (Regional)
		Human Resources
		Labor-Related Payments
		Regional Facilities Management
		Operations and Maintenance
		Intra-governmental Payments
		Rentals (GSA/Direct)
Special Initiatives		All

Source: Department of the Interior (DOI), Bureau of Indian Affairs (BIA), “Budget Justifications and Performance Information Fiscal Year 2024, Bureau of Indian Affairs,” pp. IA-ST-1 and IA-ST-2, at https://www.bia.gov/sites/default/files/dup/inline-files/bia_2024_greenbook.pdf.

Notes: The first column in this table identifies the activities within BIA’s Operation of Indian Programs account. For each such activity, the second column lists the TPA sub-activities, and the third column lists the Non-TPA sub-activities.

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