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## GENERAL MEMORANDUM 09-144

### FY 2010 Appropriations for Indian Affairs, Office of the Special Trustee and other Interior Programs

On October 30, 2009, President Obama signed the conference report on the FY 2010 Interior, Environment and Related Agencies Appropriations Act (HR 2996, H.Rpt. 111-316) as Public Law 111-88. The House adopted the Conference Report on October 29 by a vote of 247 to 178 and shortly afterwards the Senate cleared it on a 72-28 vote.

This Memorandum reports on the FY 2010 budget for the major programs in the Indian Affairs (IA), Office of the Special Trustee (OST), Environmental Protection Agency (EPA) and related agencies that are of particular interest to Indian tribes and tribal organizations.<sup>1</sup> The Conference Report notes that instructions in either the House or Senate Appropriations Committee reports (House Report 111-180; Senate Report 111-38) accompanying HR 2996 are approved by the conferees unless changed in the Conference Report.

The Indian Affairs detailed budget information is in chart form and we discuss in the narrative only those issues that describe significant changes or may be of particular interest. The FY 2009 enacted figures do not include American Recovery and Reinvestment Act funds provided to the Department of Interior agencies, Bureaus or the EPA.

### INDIAN AFFAIRS (IA) BUDGET OVERVIEW

The Act funds Indian Affairs (IA) at \$2.6 billion, which is \$82.1 million above the Administration's request and 9.29 percent over the FY 2009 level. Within the Indian Affairs total are \$2.3 billion for *Operation of Indian Programs* (comprised of Bureau of Indian Affairs and Bureau of Indian Education) and \$225 million for *Construction*.

Highlights within the Indian Affairs budget include the following:

- *Increases/Reductions*. The Administration's proposed FY 2010 increases included \$14 million under Tribal Government—including \$5.5 million for Contract Support Costs and \$2 million for the Indian Self-Determination Fund; \$13 million under Trust–Natural Resources; \$33 million under Public Safety and Justice; and \$80.1 million under Bureau of Indian Education—including \$50 million for a one-time increase to transition Tribal Colleges and Universities to a forward funded basis.

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<sup>1</sup> For information on the FY 2010 Interior budget request, and the House-Senate action, see our General Memoranda 09-055 (May 8, 2009) and 09-104 (July 31, 2009).

The Act, in addition to the requested increases, provides an additional \$13.2 million for contract support costs and \$14.85 million for Trust–Natural Resources, \$25 million for Public Safety and Justice, \$1 million for Community and Economic Development, \$3.1 million for Bureau of Indian Education, and \$25 million for Construction.

- Funding for Fixed Costs. The Act provides the requested \$27.9 million for fixed costs, including built-in costs. Built-in costs include \$1.1 million for increased cost of leases and \$6.5 million for a three-month annualization of the FY 2009 pay raise at 3.9 percent and \$10 million for nine months of FY 2010 pay raise at two percent. An additional \$6.7 million is for the teacher pay and benefits increases in SY 2009-2010 that is required to keep current with the Department of Defense teacher salary schedule.

- Indian Land Consolidation. As proposed, the Act transfers the Indian Land Consolidation program from the Office of the Special Trustee to Indian Affairs; funded at \$3 million, as requested.

#### OFFICE OF THE SPECIAL TRUSTEE

The Act funds Office of the Special Trustee (OST) at the Administration's request level of \$185,984,000. The total includes \$56,536,000 for the Office of Historical Accounting in the OST. The FY 2009 funding level was \$181.6 million.

#### ENVIRONMENTAL PROTECTION AGENCY

The Act funds the EPA at \$10.3 billion, which is \$168.1 million above the Administration's request and 35 percent more than the FY 2009 enacted level. Funding of interest to tribal environmental programs is mainly contained in the State and Tribal Assistance Grants (STAG) category, which is funded at \$4.9 billion. Within the overall STAG funding are Alaska Native Villages Water Supply and Wastewater (\$13 million); Tribal Air Quality Management (\$13.3 million); and Tribal General Assistance (\$82.9 million).

## OPERATION OF INDIAN PROGRAMS

FY 2009 Enacted	\$2,128,630,000
FY 2010 Admin. Request	\$2,278,809,000
FY 2010 Enacted	\$2,335,965,000

The Act provides FY 2010 funding at a net increase of \$57.1 million for OPERATION OF INDIAN PROGRAMS (OIP), or 2.5 percent, above the President's request, and \$207.3 million above the FY 2009 enacted level.

• Disaster Relief Language. As requested, the Act continues previous bill language that authorizes expenditures in excess of the funded amounts in order to provide disaster assistance to Indian communities. The language states:

Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster;

The provision addresses a problem encountered when congressional language capping the Welfare Assistance amount prevented the Bureau's use of unobligated funds to provide additional welfare assistance to Hurricane Katrina victims in 2005.

## BUREAU OF INDIAN AFFAIRS

FY 2009 Enacted	\$1,412,477,000
FY 2010 Admin. Request	\$1,482,509,000
FY 2010 Enacted	\$1,536,565,000

The Administration proposed increases for: Tribal Government (+\$14 million), Trust-Natural Resources Management (+\$13 million), and Public Safety and Justice (+\$33 million). The Act includes the proposed increases and provides additional amounts as follows: \$13.2 million for Tribal Government, \$14.8 million for Trust-Natural Resources Management, and \$25 million for Public Safety and Justice.

## TRIBAL GOVERNMENT

FY 2009 Enacted	\$402,531,000
FY 2010 Admin. Request	\$416,572,000
FY 2010 Enacted	\$429,778,000

The *Tribal Government* subactivities are: Aide to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; Contract Support; New Tribes; and Tribal Government Program Oversight. For budget details by program, see page IA-CBT-1 of the attached chart.

The Act provides \$11.2 million more than the budget request and \$26.3 million above the FY 2009 enacted level for Tribal Government programs and an \$851,000 increase for Tribal Government Oversight (Central and Regional Offices funds). We highlight the following under the Tribal Government budget category:

• Contract Support. The Act provides \$13.2 million above the Administration's request, for total funding of \$166,000,000 for FY 2010 contract support costs. This amount is more than would have been provided in the House- or Senate-passed bills (by \$6.9 million and \$11.2 million, respectively) and is \$18.7 million above the FY 2009 enacted level. The budget justification stated that the requested amount would result in

tribal contractors receiving 77.4 percent of both their direct and indirect contract support costs (up from 75 percent in FY 2009).

The Act also provides the requested \$2 million for the Indian Self-Determination Fund (which was last funded in FY 2006 at \$971,000). The ISD Funds are for first year administrative costs related to new and expanded contracts.

- Tribal Government Program Oversight. The Act funds TGP Oversight at the Administration's request level. Thus, Congress concurs with the proposed elimination of the FY 2009 \$263,000 increase for the Western Shoshone Claims Distribution Act (PL 108-270) under the Central Office-Tribal Government Program Oversight budget, which is now administered by an independent source; and the requested \$1 million increase for Regional Oversight. The budget justification stated that the increase would be used to expand the number of Self-Determination awarding officials by ten positions in order to continue to address the reported need of 50 additional positions to "meet the demand for these professional services."

### Bill Language

- Contract Support Cap. The Act continues, without the Administration's proposed modifying reference to "federally recognized tribes," language regarding a cap on contract support costs:

notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$166,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes, and tribal organizations, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs.

- Contract Support Limitation. Consistent with the Interior Appropriations acts for FYs 1999-2009, and as requested, the Act continues language that attempts to limit the ability of the BIA and IHS to fund past-year shortfalls in contract support funding from remaining unobligated balances for those fiscal years as follows:

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, tribes, and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

- TPA Redistribution. Consistent with the Interior appropriations acts for FYs 1999-2009, the Act continues bill language, without proposed reference to "federally recognized" tribes, authorizing redistribution of TPA and tribal base funds to alleviate funding inequities as follows:

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

• Tribal Shares Language. As requested, the Act continues bill language regarding tribal shares as follows:

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

**HUMAN SERVICES**

FY 2009 Enacted	\$137,488,000
FY 2010 Admin. Request	\$136,996,000
FY 2010 Enacted	\$136,996,000

The *Human Services* subactivities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Human Services Tribal Design; and Human Services Program Oversight. For budget details by program, see page IA-CBT-1 of the attached chart.

The Act provides the budget request amount, which results in a \$452,000 decrease in overall funding and programmatic *decreases* of \$1.06 million for HIP and \$1.2 million under Central Oversight, and a \$1.1 million *increase* under Regional Oversight. According to the budget justification, the Regional Oversight increase will support ten staff members responsible for HIP operations.

The House Report directed that the Department coordinate with HUD to improve and coordinate their housing efforts. The report states:

The Committee notes that additional funding was provided for Native American housing programs in the American Recovery and Reinvestment Act of 2009. The Committee is concerned about the coordination of Federal housing programs for Native Americans and Alaska Natives. The Committee directs the Department of the Interior to work with the Department of Housing and Urban Development to clarify the roles and responsibilities of each Department and coordinate the delivery of housing programs to ensure maximum benefit and avoid duplicative efforts. (H.Rpt. 111-180, p. 69)

**TRUST-NATURAL RESOURCES MANAGEMENT**

FY 2009 Enacted	\$147,710,000
FY 2010 Admin. Request	\$160,768,000
FY 2010 Enacted	\$175,618,000

The *Trust–Natural Resources Management* subactivities are: Natural Resources; Indian Irrigation Operation and Maintenance; Rights Protection Implementation; Tribal Management/Development Programs; Endangered Species; Integrated Resource Information; Agriculture and Range; Forestry; Water Resources; Fish/Wildlife and Parks; Minerals and Mining; and Resource Management Oversight. For budget details by program, see pages IA-CBT-1+2 of the attached chart.

The Act provides \$14.8 million more than the Administration's request, which results in a \$27.9 million increase above the FY 2009 level for Trust–Natural Resources Management programs. We summarize below some of the budgetary highlights:

- Rights Protection – The Act provides \$12 million above the request level for total funding of \$30.45 million. The Conference Report provides the following instruction on distribution of the funds:
  - The conferees direct the Bureau to distribute the increase provided for rights protection using a merit-based process for programs with existing memoranda of understanding, legal settlements, treaty rights, or past merit-based funding history, in accordance with language included in the administration's budget justification. (H.Rpt. 111-316, p. 100)
- Agriculture Program –\$2 million increase, as requested, to offset increased costs and keep the current schedule of management activities, and "may" allow up to ten tribes to start work on their agriculture resource management plans (ARMPs).
- Invasive Species/Noxious Weed Eradication –\$2 million increase, as requested, to expand awareness and use of pest management and control agents, and increase the number of weed control projects by 100.
- Fish, Wildlife and Parks Projects –\$4 million increase; includes \$2 million for Pacific Northwest and Great Lakes tribes to "secure facility operations through systems renovation and upgrades" which would result in "sustainable fish and aquaculture production" and the House-recommended \$2 million general increase for fish hatchery operations.
- Tribal Management/Development Program – \$850,000 increase (comprised of the Senate-recommended \$350,000 for the Upper Columbia United Tribes and \$500,000 for the Cheyenne River Sioux Tribe's prairie management program).
- Minerals and Mining Projects –\$6 million increase, as requested. Per the budget justification, the increase is comprised of \$4 million for renewable energy projects program; \$1 million to develop standards for regulatory approval and compliance of renewable energy projects; \$1 million to assist five tribes "advance through the final steps in creating tribal businesses" and jobs in "construction aggregate resources."

**TRUST–REAL ESTATE SERVICES**

FY 2009 Enacted	\$150,087,000
FY 2010 Admin. Request	\$152,493,000
FY 2010 Enacted	\$152,493,000

The *Trust–Real Estate Services* subactivities are: Trust Services; Navajo-Hopi Settlement Program; Probate; Probate Backlog; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaskan Native Programs; Rights Protection; and Trust and Real Estate Services Oversight. For budget details by program, see page IA-CBT-2 of the attached chart.

Funded at the request level, the Real Estate Services amount reflects a net increase of \$2.4 million, with programmatic increases for Environmental Quality Projects and Rights Protection, and a \$3 million decrease under the Trust and Real Estate Services components.

- Reductions – \$3 million, combined, from Trust Services, Land Title and Records Offices, Real Estate Services (RES), and Trust-RES Oversight; an amount that offsets the \$3 million requested to re-establish the Indian Land Consolidation Program. The budget justification stated the Trust Services reduction amount (\$1.5 million) will "apply only to the non-base portion of the program."

- Environmental Quality Projects – \$1 million increase for uranium contamination mitigation which is targeted for the Navajo-Hopi dump site.

**PUBLIC SAFETY AND JUSTICE**

FY 2009 Enacted	\$270,785,000
FY 2010 Admin. Request	\$303,855,000
FY 2010 Enacted	\$328,855,000

The *Public Safety and Justice (PS&J)* subactivities are: Law Enforcement, Tribal Courts, and Fire Protection. For budget details by program, see pages IA-CFT-2+3 of the attached chart.

- Increase for PL 110-293 Emergency Fund for Indian Safety and Health Purposes. The Act provides \$25 million "for public safety and justice programs" authorized by sec. 601 of PL 110-293 (the Lantos–Hyde Global Leadership against HIV/AIDS, Tuberculosis, and Malaria Act). These funds are to be allocated as \$20 million for Law Enforcement and \$5 million for Tribal Courts. The Conference Report states the following regarding use of these funds:

Within the funds provided for public safety and justice, law enforcement there are increases of \$10,000,000 for criminal investigation, \$5,000,000 for detention and corrections, \$1,000,000 for special initiatives, \$1,000,000 for Indian police academy, \$3,000,000 for program management, and \$5,000,000 for Tribal courts. (H.Rpt. 111-316, p. 100)

With the additional funds, the total funding for Law Enforcement programs is \$303.1 million and \$27.7 million for Tribal courts. Within each of the categories are the following:

- Criminal Investigations and Police Services. The Act provides, as requested, \$175 million, which is \$11.9 million above the FY 2009 level; plus \$10 million in PL 110-293 funds. According to the budget justification, \$10.5 million of the requested increase would be used to address Indian Country law enforcement staffing. It is anticipated that the funds will result in the hiring of an additional 55 BIA and 80 tribal officers.

- Detention/Corrections. The Act provides, as requested, \$70.4 million, which is a \$5 million increase over the FY 2009 level; plus \$5 million in PL 110-293 funds. The budget justification stated the requested increase would result in \$2 million for additional BIA and tribal correctional officers at existing detention facilities and new facility staffing; \$2 million for contracting bed space for inmates; and \$1 million for development and implementation of an armed transport officer program made up of 11 teams of four officers selected from existing personnel.

The conferees commend the Shoshone-Bannock Tribes for utilizing a "Justice Center" approach in addressing their law enforcement needs; and suggests that the BIA consider establishing regional detention centers. The Conference Report states:

The conferees commend the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation for their initiative in addressing their law enforcement needs by constructing a justice center to house their adult and juvenile detention and rehabilitation center, Tribal courts, and police department. The conferees encourage the Bureau of Indian Affairs to work with the Shoshone-Bannock Tribes to ensure that the Center and the programs it will provide will operate effectively. Additionally, the conferees encourage the Bureau to consider establishing regional detention centers at new or existing facilities as it works to combat the crime problem in Indian Country. (H.Rpt. 111-316, p. 100)

• **Tribal Law Enforcement and Special Initiatives.** The Act provides, as requested, \$17 million, which is a \$2 million increase above the FY 2009 level; plus \$1 million in PL 110-293 funds. These funds are used for specific purpose initiatives in areas such as drug enforcement, radio communications, data collection and high rate crime areas.

According to the budget justification, \$1 million of the requested increase would be used to place six intelligence analysts at regional centers and \$1 million would be used for six victim/witness analysts. The balance of the regular FY 2010 funding would be allocated to continue the following initiatives: Drug Enforcement (\$7 million); Southwest Border Law Enforcement (\$1 million); High Priority and High Crime (\$1 million); Land Mobile Radio (\$4 million); Incident Management Analysis; and \$2 million for the Reporting System (IMARS).

• **Tribal Courts.** The Act provides, as requested, \$19.7 million, which is \$5 million above the FY 2009 level; plus \$5 million in PL 110-293 funds. The budget justification stated the requested Tribal Courts increase would be used to assist tribes in implementing corrective action plans that are to be developed under contract by the BIA tribal justice program.

• **Other.** The Act also provides the following programs: Indian Police Academy – \$4.1 million plus \$1 million in PL 110-293 funds; and program management – \$7.5 million plus \$3 million in PL 110-293 funds. Within the Academy funds, \$500,000 is for an outreach initiative, described below.

The Senate Committee Report states the following, which was not amended in conference, regarding the Public Safety and Justice funding:

The Committee notes that within the funds provided, \$500,000 is being made available as requested for the Indian Police Academy's outreach initiative. The Academy is working to establish satellite training programs in conjunction with universities, including United Tribes Technical College in Bismarck, North Dakota. The Committee recognizes the high crime rate in Indian country and the need for more Indian law enforcement personnel. Sadly, less than 3,000 tribal and BIA officers patrol more than 56 million acres of Indian land. The Indian Police Academy graduates only 80 new officers each year and has an annual attrition rate of 47 percent. The Committee applauds the Bureau for taking this important first step in establishing increased training opportunities in areas closer to the duty stations of the officers being trained, and directs BIA to provide a strategy and timeline for boosting Indian law enforcement training, including the possible addition of a second police academy in the Northern Great Plains. (S.Rpt. 111-38, p. 40)

The House Committee Report, also unchanged in conference, provides the following directions to the Department regarding the public safety and justice:

For the past two years, the Committee has provided a substantial increase for law enforcement programs in Indian Country to begin to address the epidemic levels of sexual and domestic violence, substance abuse, and related criminal problems. The Committee applauds the Administration for requesting additional funds to continue to address this issue. The Committee directs the Department to do the following:

- Conduct meaningful and timely consultation with Tribal leaders and Tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian Country.
- Participate, along with the Department of Justice, Tribal, and State officials in an interagency working group to clarify and resolve the law enforcement jurisdictional challenges that have hindered criminal investigations and prosecutions in Indian country, and to identify challenges and needs related to Tribal justice systems, including needs associated with secure law enforcement information sharing systems. The working group shall develop recommendations on how to streamline Federal, State and Tribal response to criminal investigations and prosecutions and shall submit a report to the Committee within 90 days of enactment of this Act. Among the goals established for the working group shall be the development of protocols to ensure that Federal law enforcement agencies that decline to initiate an investigation or that terminate an investigation of an alleged violation of Federal law in Indian country without referral for prosecution submit to the appropriate Tribal official a report describing the rationale for terminating the investigation; the type of crime alleged; the status of the alleged perpetrator; and the status of the victim. These protocols should also ensure that United States Attorneys coordinate with Tribal prosecutors sufficiently well in advance of prosecution deadlines mandated by the statute of limitations to permit Tribal prosecutors to pursue cases, as appropriate. The working group should also review and define the responsibilities of Assistant United States Attorneys serving as Tribal Liaisons in order to better coordinate the prosecution of crimes on reservations.
- Coordinate with the Department of Justice to develop a priority list for detention facility construction, targeting Tribal areas with the greatest need, and work with Justice to incorporate the priority system into the ranking criteria for detention center grants.
- Work with the Department of Justice to develop a voluntary annual training program for Tribal court officials and judges to promote improvements in Tribal judicial systems.
- Engage the services of the Office of Inspector General to ensure funds are spent wisely, goals and objectives for performance are established, and program results are measured. This evaluation should be used to refine the allocation of fiscal and human resources to have the greatest impact on reducing crime. (H. Rpt. 111-180, pp 70-71)

**COMMUNITY AND ECONOMIC DEVELOPMENT**

FY 2009 Enacted	\$43,589,000
FY 2010 Admin. Request	\$43,910,000
FY 2010 Enacted	\$44,910,000

The *Community and Economic Development* subactivities are: Job Placement and Training, Economic Development; Road Maintenance, and Community Development Oversight. For budget details by program, see page IA-CFT-3 of the attached chart.

- Community Development Programs. The Administration proposed \$400,000 for this new workforce training program that could lead to "careers in major infrastructure construction projects such as erecting buildings, bridges, highways, power lines and other structures," anticipating that a merit-based process would be used in funding programs.

The Act provides \$1 million above the requested level "for community development programs for training and apprenticeship opportunities." The House, in recommending the increase, stated in its report:

The Committee has provided an increase of \$1,000,000 for the community development program. These funds should be used for job training programs that promote training and apprenticeship opportunities for Native Americans in the carpentry, electrical, plumbing, ironworking, welding, and other construction trades. (H.Rpt. 111-180, p.71)

- Road Maintenance. The Act provides, as requested, \$26.5 million, which is \$444,000 over FY 2009 for fixed costs increases.

**EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES**

FY 2009 Enacted	\$260,327,000
FY 2010 Admin. Request	\$267,915,000
FY 2010 Enacted	\$267,915,000

The *Executive Direction and Administrative Services* subactivities are: Assistant Secretary Support; Executive Direction; Administrative Services; Information Resources Technology; Personnel Services; Facilities Management; Intra-Governmental Payments; and Rentals. For budget details by program, see page IA-CFT-3 of the attached chart.

The Act funds Executive Direction at the Administration's request level, thereby providing the following programmatic increases in the FY 2010 proposal:

- Alternative Dispute Resolution Team. \$400,000 is allocated to establish an alternative dispute resolution team within the Assistant Secretary Support–Office of Regulatory Management. The team "will promote, coordinate and facilitate consensus-building and alternative dispute resolution throughout Indian Affairs."

- Office of Self-Governance. \$264,000 is allocated to support two additional Program Analyst positions.

- Executive Direction. \$1.1 million is allocated to support nine additional positions for the Indian Affairs Equal Employment Opportunity Office to address findings of inadequate staffing that impeded the Office from meeting Equal Employment Opportunity Office (EEOC) requirements.

**BUREAU OF INDIAN EDUCATION**

FY 2009 Enacted	\$716,153,000
FY 2010 Admin. Request	\$796,300,000
FY 2010 Enacted	\$799,400,000

The Bureau of Indian Education (BIE) category displays funds for the BIE-funded elementary and secondary school system as well as other education programs including

higher education and scholarships. The subactivities are: Elementary and Secondary Programs–Forward Funded; Elementary and Secondary Programs (non-forward funded); Post Secondary Programs; and Education Management. For budget details by program, see pages IA-CBT-3+4 of the attached chart.

The two subactivities which are relevant to the BIE-funded elementary and secondary school system are the "Elementary and Secondary Programs Forward Funded" and "Elementary and Secondary Programs" (non-forward funded programs such as Facilities Operations).

**General Overview.** The Act provides \$3.1 million more than the Administration's request for a total that is \$83.2 million above the FY 2009 level. The FY 2010 appropriations include the \$50 million requested for a one-time boost to convert the tribal colleges and universities budget to forward funding, an additional \$2 million above the budget request for Student Transportation, and an additional \$1.1 million above the budget request for Postsecondary Programs.

**School Operations Overview.** The combined amounts in FY 2010 funding that support the BIE elementary and secondary schools system totals \$596.08 million, which is \$21.48 million above the FY 2009 level. Once again, there is no increase for the Administrative Cost Grants program, which may result in tribally-operated grant/contract schools receiving 60 percent or less of their Administrative Cost Grant need.

Elementary and Secondary Programs–Forward Funded

FY 2009 Enacted	\$499,470,000
FY 2010 Admin. Request	\$516,702,000
FY 2010 Enacted	\$518,702,000

Amounts provided under the forward funded category are for use in school year (SY) 2010-2011. The Act provides a net increase of \$19.2 million but only \$12 million as a program increase, of which \$10 million is for the Indian School Equalization Program Formula Fund account and \$2 million is for Student Transportation.

The forward funded programs funding levels are:

- *Administrative Cost (AC) Grants* – \$43,373,000, as requested; results in level funding. The funds are for on-going grants/contracts but bill language authorizes that up to \$500,000 of AC Grants funds may be used for the initial year costs for new conversions to grant/contract status. The Act states:

up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools:

The budget justification did not indicate whether any additional schools will be converting, but if so, the AC Grant need funded will undoubtedly continue to decrease and the grant/contract schools will continue to suffer significant AC Grants shortfalls.

- *Indian School Equalization Program (ISEP) Formula* – \$391.69 million, as requested, which is \$16.69 million above the FY 2009 level; reflects a \$10 million program increase and \$6.7 million to cover fixed costs. The budget justification stated the increase would "provide updated or supplemental textbooks, additional classroom teaching materials and equipment, and the services of educational specialists." (IA-EDU-2)

In SY 2008-2009, the ISEP formula resulted in a weighted student unit (WSU) of \$4,714 or \$341 over the SY 2007-2008 level. It is estimated the WSU for SY 2010-2011 will be \$5,153.

According to the budget justification, 88 percent (\$312.8 million) of the total SY 2008-2009 ISEP funding supported the basic education programs; 6 percent (\$21.9 million) supported language development programs; 4.1 percent (\$14.4 million) supported Gifted and Talented programs; and the balance went for small school supplements. The Indian Education Funding History chart of total funding for Indian Education (BIE + Department of Education<sup>2</sup>) reports an expected FY 2010 per student funding of \$19,174 for BIE+DoED funds; \$14,342 for all BIE School Operations funds; and \$9,264 for ISEP only funds.

- ISEP Program Adjustments – \$3,338,000, as requested, which is a \$72,000 increase over FY 2009 for fixed costs and related changes. The budget justification stated 94 percent of these funds are used for the "FOCUS on Student Achievement Project," a program that has expanded from a pilot project targeting at-risk students at select schools that were close to meeting the annual measurable objectives in reading and math. The balance of the ISEP adjustment funds is used for security and police at Chemawa Indian School.
- Student Transportation – \$52.8 million, which is \$2.3 million above the FY 2009 level and \$2 million above the FY 2010 budget request. According to the budget justification, the requested amount was expected to provide a SY 2010-2011 payment rate of \$3.14 per mile, up 2¢ from the estimated SY 2009-2010 rate. The estimated SY 2008-2009 rate is reported at \$2.91/mile. The Student Transportation funds are used to fund two round-trip airfares for students attending off-reservation boarding schools in addition to the operation of school transportation systems.
- Early Childhood Development – \$15,374,000, as requested, which is a \$151,000 increase over FY 2009 for fixed costs and related changes. These funds support the Family and Child Education (FACE) program for pre-school children, parenting skills, adult education and family literacy services at 45 sites.
- Education Program Enhancements – \$12,110,000, as requested, which is a \$2,000 increase for fixed costs and related changes. As in previous years, these funds will be used to continue targeted assistance to schools that have not achieved Adequate Yearly Progress—particularly those in restructuring status. These funds are used for improving academic achievement by funding such activities as: principal leadership training; professional development in effective reading and math instruction; tutoring and mentoring programs for high school students; BIE Reads! Program (will expand to serve above grade 3 and pilot targeted assistance to secondary schools with large percentages of students below grade level in reading); reading coaches; hire/retain content area experts in reading and math; implementation of phase I of the secondary school reform based on the FY 2009 feasibility study; and the Math Counts initiative. (IA-EDUC-14 through 17)

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<sup>2</sup> The BIE noted that starting with the FY 2007 budget, the DoED amount reported does not include DoED amounts distributed directly to tribes such as IDEA Part B and Part C funds, nor the Construction and non-BIE overhead amounts.

Elementary and Secondary Programs (these are the non-forward funded programs)

FY 2009 Enacted	\$75,126,000
FY 2010 Admin. Request	\$77,379,000
FY 2010 Enacted	\$77,379,000

Amounts provided under the non-forward funded category are for use in school year (SY) 2009-2010. The Act provides funding at the request level, which is a net increase of \$2.2 million, including a \$2 million programmatic increase for the Facilities Operations program. Programs within this category are funded as follows:

- Facilities Operations – \$59,410,000; a \$2.4 million increase over the FY 2009 level, with \$2 million in a programmatic increase and the rest to cover fixed costs. The Facilities Operations funds are used for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services and numerous other vital operating expenses. According to the budget justification, the increase will "partially offset the 29.7 percent increase in school utility costs since 2005."
- Residential Education Placement Program – \$3,760,000; a \$23,000 increase to cover fixed costs. Funds are utilized for approximately 60 children with disabilities who require 24-hour institutionalized care.
- Juvenile Detention Education – \$620,000; level funding for this program which provides educational services to detained and incarcerated youth at the 24 BIA-funded juvenile detention facilities. Services would be provided by teachers "based on state education standards and where possible, geared to facilitate re-entry to the child's original classroom upon release."
- Johnson O'Malley (JOM) – \$13,589,000; a \$208,000 decrease from FY 2009. These funds are used to provide special academic and culturally relevant educational services to Indian students from age 3 through the 12<sup>th</sup> grade at public schools. According to the budget justification, 88 percent of the funds are distributed directly to tribes as base funding through its Self-Governance or Consolidated Tribal Government Programs.

Education Management

FY 2009 Enacted	\$26,285,000
FY 2010 Admin. Request	\$26,528,000
FY 2010 Enacted	\$26,528,000

Education Management pays the salaries of BIE personnel who oversee elementary, secondary and postsecondary education programs, and the collection and analyses of school performance data. The personnel include those in education line offices, the Division of Compliance, Monitoring, and Accountability, and technical support staff. The FY 2010 amount provides:

- Education Program Management – \$19,164,000 for program management and employee displacement. The FY 2010 amount will cover the employee displacement costs associated when/if a BIE-operated school converts to grant or contract status during FY 2010, administrative costs in performing services as a State Education Agency and like those performed by a public school district.
- Education Information Technology – \$7,364,000 for data telecommunications to support the Educational Native American Network (ENAN–II, which provides Internet capability at the schools) and the Native American Student Information System (NASIS, which is a web-based data collection and analysis system used

by the BIE). The budget justification stated that in FY 2009 and FY 2010, the BIE would transition its ENAN to the GSA's NETWORX system, which may require the replacement of some telecommunications systems "at some BIE locations" but will ultimately result in improved network response time at all BIE locations and improved filtering of Internet content.

Bill Language

• Multi-Program Contractors. As requested, the Act continues the provision in Interior appropriations acts since FY 2005 that is intended to preserve the ability of tribes who operate both school and non-school programs to receive appropriate funding for administrative costs and indirect costs incurred by these multi-program contractors. The bill language states—

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

• IDEA Data Collection. The Act includes language in the Indian Health Service section to continue authorization for the BIE to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). The language reads:

Provided further, that the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et. seq.)

Post Secondary Programs (Forward Funded)

As requested, the Act provides a one-time allocation of \$50 million that will be used to transition the Tribal Colleges and Universities account to a forward funded basis. These funds will enable the BIE to cover SY 2009-2010 and SY 2010-2011. The budget justification stated that tribal college leaders have repeatedly requested this transition to provide "greater financial security to plan for the academic year." (IA-EDU-2)

Post Secondary Programs

FY 2009 Enacted	\$115,272,000
FY 2010 Admin. Request	\$125,691,000
FY 2010 Enacted	\$126,791,000

The Post Secondary Programs line items are: Haskell and SIPI operating costs; Tribally Controlled Colleges and Universities Operating Grants; Tribally Controlled Colleges and Universities Supplements; Tribal Technical Colleges; Scholarships and Adult Education; and Special Higher Education Scholarships.

• Tribal Colleges and Universities. The Act provides the requested \$64.3 million in TCU funds, which will provide funding to 26 tribal colleges. This amount is \$5 million above the FY 2009 level.

- Tribal Technical Colleges. The Act provides \$6.6 million for the tribal technical colleges (United Tribes Technical College and Navajo Technical College), a \$669,000 increase over the FY 2009 level and \$600,000 above the budget request. The funds are distributed proportionately between the two schools for a total of \$4.4 million for UTTC and \$2.2 million for NTC.

- Scholarships and Adult Education. The Act provides \$34.6 million, as requested, which is a \$4.9 million increase over the FY 2009 level. The budget justification noted that "Tribal leaders presented a clear and consistent message during consultation on budget priorities as to the importance of funding scholarships." (IA-EDU-3) Funds are provided to tribes via TPA to award individual post secondary scholarships.

**CONSTRUCTION**

FY 2009 Enacted	\$217,688,000
FY 2010 Admin. Request	\$200,000,000
FY 2010 Enacted	\$225,000,000

For budget details by program, see page IA-CBT-4 of the attached chart. We highlight the following in the Construction budget category below.

**EDUCATION CONSTRUCTION**

FY 2009 Enacted	\$128,837,000
FY 2010 Admin. Request	\$112,994,000
FY 2010 Enacted	\$112,994,000

The Act provides the requested funding level, which is \$16.4 million less than the FY 2009 enacted level, for all education construction and repair activities. Funding levels for the major components of Education Construction are:

**Replacement School Construction**

FY 2009 Enacted	\$22,405,000
FY 2010 Admin. Request	\$ 5,964,000
FY 2010 Enacted	\$ 5,964,000

This account funds total replacement of an existing school campus in accordance with a priority construction list and Advance Planning and Design activities such as the architectural and engineering services.

The FY 2010 amount, as requested, would fund only Advance Planning and Design and would cover: completion of planning and design work for Blackfeet Dormitory (MT) and begin planning for the Beatrice Rafferty School (ME), Little Singer School (AZ), and Cove Day School (AZ).

**Replacement Facility Construction**

FY 2009 Enacted	\$17,013,000
FY 2010 Admin. Request	\$17,013,000
FY 2010 Enacted	\$17,013,000

The Replacement Facility Construction program provides funds to replace a single building on a school campus when the building is "beyond cost effective repair, or for schools which are lacking key academic facilities required for accreditation." (IA-CON-ED-8) Facilities where rehabilitation, upgrade, or repair costs approach 60 percent of the cost to replace the building are Replacement Facility candidates.

According to the budget justification, the FY 2010 funds are slated for completion of the kitchen-dining facilities at Chinle Boarding School (AZ) and Keams Canyon (AZ), begin Phase I of the Riverside Indian School (OK) dorm replacement, and an unspecified amount for Replacement Facility Advance Planning and Design.

Employee Housing

FY 2009 Enacted	\$4,445,000
FY 2010 Admin. Request	\$4,451,000
FY 2010 Enacted	\$4,451,000

The amount reflects a \$6,000 increase for fixed costs and related changes. In response to a 2008 independent housing study that noted many of the 3,585 family housing units did not meet current building and safety codes and standards, the Bureau intends to complete asbestos and lead-based paint abatement with the FY 2010 funds. In addition, \$1 million is allocated to begin demolition of over 700 units that were identified as "Undesirable Housing Units."

Facilities Improvement + Repair (FI+IR)

FY 2009 Enacted	\$84,974,000
FY 2010 Admin. Request	\$85,566,000
FY 2010 Enacted	\$85,566,000

The FY 2010 FI+R amount reflects a \$592,000 increase for fixed costs and related expenses; there are no programmatic increases. According to the budget justification, within the FI+R total are:

- Facilities maintenance – \$50.7 million
- Major improvement and repair – \$6.57 million (Keams Canyon Elementary School upgrades to 2 classroom buildings in lieu of Replacement School project)
- Program Management – \$3.2 million
- Minor improvement and repair – \$7.59 million
- Advance planning and design – \$1 million
- Condition assessments – \$2.5 million
- Demolition/reduction of excess space – \$2.98 million<sup>3</sup>
- Emergency repairs – \$2.49 million
- Environmental projects – \$3.08 million
- Portable classrooms – \$1.5 million
- Energy Program – \$3.2 million
- Education telecommunications – \$350,000
- Boiler inspections – \$250,000
- Seismic safety data – \$72,000

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<sup>3</sup> FY 2010 targeted facilities for transfer and/or demolition are: Cherokee Central High School (NC); Redwater Day School (MS); Riverside Indian School (OK); Pierre Indian Learning Center (SD); Lukachukai Boarding School (AZ); and Rocky Ridge Boarding School (AZ).

Bill Language

As requested, the Act continues the appropriations language enacted in FY 2009 that allows the Secretary of the Interior to take over a construction project from a grantee that fails to complete planning and design of a project and begin construction within 18 months of funds being appropriated (not limited to school construction projects as in years prior to FY 2009). The bill language states:

Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction.

**OTHER CONSTRUCTION**

Public Safety & Justice (PS&J) Construction

FY 2009 Enacted	\$39,399,000
FY 2010 Admin. Request	\$39,407,000
FY 2010 Enacted	\$64,407,000

Within the PS&J Construction total are the Facilities Improvement and Repair (FI+R) program, Fire Safety Coordination, and Fire Protection. The Act provides funding for the major components of PS&J construction are as follows:

- *Facilities Replacement/New Construction* –\$21.5 million; a \$20 million increase over the budget request and FY 2009 level. The budget justification projected that the \$21.5 million request would provide \$19.5 million for Detention Center Replacement for Phase II construction of the Pine Ridge Detention/Justice Center (with any savings going to the next project on the priority list), and \$2 million for Advance Planning and Design (specifically for Northern Navajo Regional Detention Center at Shiprock, NM).
- *Employee Housing* – \$8.5 million; a \$5 million increase over the budget request and FY 2009 level. The budget justification stated the \$3.5 million requested would result in \$3 million for construction of 15 new housing units at the Detention and Law Enforcement Centers (Northern Cheyenne/Busby–4 units; Hopi–2 units; Ute Mountain–5 units; Crow Creek–2 units; and Ft. McDermitt–2 units), and \$500,000 for Advance Planning and Design activities.
- *Facilities Improvement and Repair* – The Act provides \$10.9 million, as requested and only \$6,000 over the FY 2009 level for fixed costs and related changes. The budget justification noted major facility improvement and repair work was planned at Medicine Root Detention Center/Kyle Juvenile Detention Center (SD).

Resources Management Construction

FY 2009 Enacted	\$40,306,000
FY 2010 Admin. Request	\$38,385,000
FY 2010 Enacted	\$38,385,000

The Act provides, as requested, \$38.4 million for Resources Management Construction, a \$1.9 million decrease from the FY 2009 level. Funds are used for Irrigation Project Construction; Engineering and Supervision; and Survey and Design;

Safety of Dams; Dam Maintenance; and Federal Power Compliance. Congress concurred in the Administration's proposal to transfer the Uranium Contamination-Navajo program (\$2 million in FY 2009) from Irrigation Project Construction to the Trust-Real Estate Services-Environmental Quality Projects program.

Bill Language

• *OST Reimbursement for Space Expansion.* As requested, the Act continues bill language that allows the Office of the Special Trustee to reimburse its appropriate share of construction costs related to the expansion of space at the agency level necessitated by trust reform implementation. The bill states:

Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

**INDIAN LAND CONSOLIDATION PROGRAM**

FY 2009 Enacted	-0-
FY 2010 Admin. Request	\$3,000,000
FY 2010 Enacted	\$3,000,000

As requested, the Act transfers the Indian Land Consolidation (ILC) program from the Office of Special Trustee to Indian Affairs. ILC funds are used to purchase small ownership shares in allotted lands from interested sellers with title to the property being transferred to tribes. According to the budget justification, the FY 2010 funds will be used for staff salaries and program activities.

The Conference Report directs that the ILC or Operation of Indian Programs funds be used for estate planning assistance. The report states:

The conferees intend that the Department will utilize funds available in the Operation of Indian Programs account or the Indian Land Consolidation account for estate planning assistance as provided for under Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)). (H.Rpt. 111-316, p. 100-101)

**NON-BIA PROGRAMS**

**OFFICE OF SPECIAL TRUSTEE**

FY 2009 Enacted	\$181,648,000
FY 2010 Admin. Request	\$185,984,000
FY 2010 Enacted	\$185,984,000

The Act provides Office of Special Trustee funding at the Administration's request level, which results in a \$2.3 million increase for fixed costs changes and \$2 million in a programmatic increase. The increase will "restore [Office of Appraisal Services'] funding to fulfill actual program spending levels." (OST-66) According to the budget justification, from FY 2007 to FY 2009, the Appraisal Services funding has been augmented by over \$2 million in carryover funds "to sustain program operations."

• Office of Historical Trust Accounting (OHTA) – \$56.5 million; reflects a \$91,000 increase for fixed costs changes. Within the total, \$31.5 million is allocated for

activities related to IIM accounting (reflects an \$8.5 million decrease) and \$25 million (an \$8.6 million increase) for tribal trust historical accounting. The budget justification states the increase "will allow OHTA to address the increase in the number of Tribes involved in trust accounting lawsuits." (OST-77) The OST reported they are involved in *Cobell v. Salazar* and 94 other lawsuits filed by/on behalf of an estimated 116 tribes.

### Bill Language

• Statute of Limitations. As requested, the Act continues language to extend the statute of limitations on filing tribal and individual Indian mismanagement claims. The provision reads:

Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss.

• Other. As requested, the Act continues the following provisions related to the trust programs—

- Authorize use of unobligated balances from prior appropriations acts for OST or BIA for trust management reform, other than activities related to historical accounting, which is limited to the appropriated amount. (Sec. 104)
- Pay private attorneys for the costs of legal representation for employees and former employees incurred in connection with *Cobell v. Salazar*. (Sec. 107)

## NATIONAL PARK SERVICE

The FY 2010 funding levels for several National Park Service (NPS) programs are as follows:

- *Tribal historic preservation grants*. The Act provides \$8 million, as requested; a \$1 million increase over the FY 2009 level. These funds aide tribes in assuming the State Historic Preservation Office (SHPO) duties on tribal lands. The budget justification stated the increase was intended to cover additional costs for the increasing number of tribes assuming SHPO duties on tribal lands, and any remaining amounts would be awarded on a competitive basis to tribes that have not assumed Tribal Historic Preservation Office (THPO) duties, including Alaska Native Corporations that are not eligible to become THPOs. In FY 2009, 19 competitive grants totaling \$678,300 were awarded.
- *Native American Graves Protection and Repatriation Act grants*. The Act provides the requested \$2.3 million, same as in FY 2009. Funds assist tribes and Native Hawaiian organizations document and work for repatriation of cultural items, and assist museums to achieve NAGPRA compliance.
- *Other Historic Preservation Programs*. Preserve America: \$4.6 million; which is \$1.4 million above the budget request but less than the House-passed \$6.2 million. This program was not funded in FY 2009. The funds are provided under the National Recreation and Preservation account instead of the Historic Preservation Fund as proposed by the House bill.

Save America's Treasures: \$25 million, which is \$5 million above the Administration's request but less than the House-passed \$31 million. The FY 2009 level was \$20 million.

**FISH AND WILDLIFE SERVICE**

State and Tribal Wildlife Grants

FY 2009 Enacted	\$ 75,000,000
FY 2010 Admin. Request	\$115,000,000
FY 2010 Enacted	\$ 90,000,000

The Conference Report states that within the total \$7 million is for the tribal competitive grants program. These funds are used for the development of wildlife conservation plans and on-the-ground conservation projects to stabilize, restore, enhance, and protect species and their habitats.

The Conference Report explains the additional funding as follows:

In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

The conference agreement includes \$12,000,000 for competitive grants, including \$7,000,000 for Tribes and \$5,000,000 for States. The conferees are supportive of these competitive grant programs as a way to promote wildlife conservation. The conferees direct the Service to report to the House and Senate Committees on Appropriations on the use of these competitive funds in fiscal year 2008 and 2009, including the types of grants administered and the extent to which these grants were coordinated with other State and Tribal conservation plans. The Service should submit this report within 90 days of enactment of this Act.

The conference agreement includes \$78,000,000, an increase of \$15,000,000 above the fiscal year 2009 enacted level for the State and Tribal apportioned grants. The conferees recognize the need for States, Tribes and Territories to update their plans to respond to climate change, but feel that this can be done within the framework of the required plan updates. Therefore, the conferees have not included language directing a portion of these funds for additional planning efforts focused on climate change. The conferees consider climate change to be an integral component of State and Tribal wildlife action plan implementation and recommend that the States use the increased funding provided for on-the-ground conservation projects to adapt and mitigate the effects of climate change on wildlife populations. (H.Rpt. 111-316, p. 88)

Federal Aid in Wildlife Restoration

The Act does not include the \$28 million the Administration requested for a new grant program within the Federal Aid in Wildlife Restoration account. The funds would have provided assistance to states, territories, and tribes to "create new programs to educate and engage young hunters, anglers, and wildlife managers." The House Committee Report stated that while they supported the Youth in Outdoors Initiative, they had concerns regarding implementation of the program. The Senate Committee believed there were already sufficient youth education program funds.

**OFFICE OF NAVAJO AND HOPI RELOCATION**

FY 2009 Enacted	\$7,530,000
FY 2010 Admin. Request	\$8,000,000
FY 2010 Enacted	\$8,000,000

Funds are used for activities related to the settlement of a northern Arizona land dispute between the two tribes.

**INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT**

FY 2009 Enacted	\$7,900,000
FY 2010 Admin. Request	\$8,300,000
FY 2010 Enacted	\$8,300,000

Funds are used to support the operational costs of the Institute, a multi-tribal higher education center focused on the study, application, preservation and care of Indian arts and culture.

**SOUTHWEST BORDER EFFORTS**

The House Committee Report encouraging the Departments of the Interior and Homeland Security to work together toward improving and protecting the Southwest Border environment remains unchanged. The trash problem faced by the Tohono O'Odham Nation was specifically mentioned, stating:

... The DHS has worked closely with the Federal land managers on fence construction, daily patrol and interdiction activities, and the siting of surveillance and radio equipment. However, the public lands along the Southwest border contain some of the most environmentally diverse and sensitive habitats in the United States and must be protected and enhanced for future generations. To further protect the environment and improve the situation on the Southwest border, the Committee encourages the Department to work with the DHS to do the following:

- Partner with the DHS to provide training for border patrol agents in the Southwest on the mission and management of Federal public lands that are adjacent to the Southwest border. The Department should also provide training on basic environmental stewardship and natural resource management principles that would benefit border patrol agents in their daily patrol and interdiction activities on environmentally sensitive public lands.
- Work with the DHS to begin section 7 endangered species consultation on the daily operational, patrol and interdiction activities of the border patrol.
- *Work with the public lands managers and the Tohono O'Odham Nation to develop a plan for removing the massive amounts of trash left behind by undocumented immigrants. The Department should work with DHS to establish a trash removal fund that could be accessed by public land managers and the Tohono O'Odham Nation to remove trash in the highest priority environmentally sensitive areas.*
- Work to improve radio dispatch and interoperability for Federal law enforcement officers that patrol public lands in the Southwest, including ensuring that there are dispatch services available twenty-four hours a day. (H.Rpt. 111-180, p. 72-73)

## ENVIRONMENTAL PROTECTION AGENCY

FY 2009 Enacted	\$ 7,645,674,000
FY 2010 Admin. Request	\$10,496,000,000
FY 2010 Enacted	\$10,329,864,000

The Act funds the EPA at \$166.1 million below the Administration's request but 25.9 percent more than the FY 2009 enacted level. There are a limited number of tribal-specific programs under the EPA but tribes are often eligible for the larger grant programs. We report below on several programs of interest to tribes.

### TRIBAL CAPACITY BUILDING

FY 2009 Enacted	\$11.9 million
FY 2010 Admin. Request	\$12.4 million
FY 2010 Enacted	\$12.4 million

Under this program, EPA has worked to establish the internal infrastructure and organize its activities in order to meet its responsibility for protecting human health and the environment in Indian Country. Activities that support EPA's goals for the tribal capacity building program include development of Tribal/EPA Environmental Agreements (TEAs) or similar Tribal environmental plans to address and support priority environmental multi-media issues in Indian Country; support the EPA National Tribal Operations Committee; operate the American Indian Tribal Portal; support the Tribal Program Enterprise Architecture (TPEA).

### STATE AND TRIBAL ASSISTANCE GRANTS

FY 2009 Enacted	\$2,976,464,000
FY 2010 Admin. Request	\$5,191,274,000
FY 2010 Enacted	\$4,970,223,000

There two categories of assistance under the State and Tribal Assistance Grants (STAG), e.g., Infrastructure Assistance Grants (\$3.6 billion—compared to \$1.9 billion in FY 2009 and a budget request of \$4.08 billion), and Categorical Grants (\$1.1 billion—compared to \$1.09 billion in FY 2009 and \$5.1 million above the budget request). Funds are issued to help communities fulfill the requirements of various environmental protection laws, as well as to rehabilitate land, water, and air resources that have been harmed.

#### Infrastructure Assistance Grants

- *Water Supply and Wastewater Infrastructure Grants for Alaska Rural and Native Villages*

FY 2009 Enacted	\$18,500,000
FY 2010 Admin. Request	\$10,000,000
FY 2010 Enacted	\$13,000,000

The Alaska Rural and Native Village Program, administered by the State of Alaska, provides infrastructure funding to Alaska Native Villages and rural Alaska communities that lack access to basic drinking water and sanitation infrastructure. In the budget justification, the Administration anticipated that despite the reduced level of funding, the increase in tribal set-aside for both the Clean Water SRF and Drinking Water SRF from 1.5 percent to 2.0 percent, along with the proposed increases to both SRF

accounts would increase "SRF investment in tribal water infrastructure by several million dollars in FY 2010."

The Act continues bill language from prior years that directs the allocation of these funds.

- *Brownfields Projects*

FY 2009 Enacted	\$ 97,000,000
FY 2010 Admin. Request	\$100,000,000
FY 2010 Enacted	\$100,000,000

- *Safe Drinking Water Revolving Loan Fund*

FY 2009 Enacted	\$ 829,029,000
FY 2010 Admin. Request	\$1,500,000,000
FY 2010 Enacted	\$1,387,000,000

For grants to tribes, as requested, the Act increases the tribal set-aside from 1.5 percent to up to 2 percent. (The Territories share would increase from 0.25 percent to 1.25 percent.) At the FY 2010 enacted level, the tribal amount would be \$27.7 million. Grants under this program can go to tribes directly as well as to the Indian Health Service under cooperative agreements to fund tribal projects.

- *Clean Water State Revolving Loan Fund*

FY 2009 Enacted	\$ 689,080,000
FY 2010 Admin. Request	\$2,400,000,000
FY 2010 Enacted	\$2,100,000,000

For grants to tribes, as requested, the Act increases the tribal set-aside from 1.5 percent to up to 2 percent. (The Territories share would increase from 0.33 percent to 1.25 percent.) At the FY 2010 enacted level, the tribal amount would be \$42 million. These funds will be used for building or improving sanitation facilities in Indian Country.

Categorical Grants

- *Tribal General Assistance Program (GAP)*

FY 2009 Enacted	\$57,925,000
FY 2010 Admin. Request	\$62,875,000
FY 2010 Enacted	\$62,875,000

GAP provides general assistance grants to build capacity to administer environmental regulatory programs that may be authorized by EPA in Indian Country, and to provide technical assistance in the development of multimedia programs to address environmental issues on Indian lands. The GAP grants cover the costs of planning, developing, and establishing environmental protection programs consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes on Indian lands. The budget justification stated:

In FY 2010, GAP grants will assist tribal governments to build environmental capacity to assess environmental conditions, utilize available Federal and other information, and build environmental programs tailored to their needs. GAP funding levels will help 45 additional tribes develop environmental programs and will sustain the ability of current recipients to maintain access to an environmental presence in Indian Country. These grants also will be used to

develop environmental education and outreach programs, develop and implement integrated solid waste management plans, and alert EPA to serious conditions that pose immediate public health and ecological threats.

- *Tribal Air Quality Management*

FY 2009 Enacted	\$13,300,000
FY 2010 Admin. Request	\$13,300,000
FY 2010 Enacted	\$13,300,000

This program includes funding for tribal air pollution control agencies and tribal governments. Through Clean Air Act (CAA) section 105 Grants, tribes may develop and implement programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air standards. Through CAA Section 103 grants, Tribal air pollution control agencies or tribes, colleges, universities, or multi-tribe jurisdictional air pollution control agencies and/or non-profit organizations may conduct and promote research, investigations, experiments, demonstrations, surveys, studies and training related to air pollution.

- *Brownfields Grants*

FY 2009 Enacted	\$49,495,000
FY 2010 Admin. Request	\$49,495,000
FY 2010 Enacted	\$49,495,000

- *Section 319 Non-Point Source Pollution Grants*

FY 2009 Enacted	\$200,857,000
FY 2010 Admin. Request	\$200,857,000
FY 2010 Enacted	\$200,857,000

Grants under Section 319 of the Clean Water Act are provided to states, territories, and tribes to help them implement their EPA-approved non-point source management programs by remediating non-point source pollution that has occurred in the past and by preventing or minimizing new non-point source pollution.

- *Wetland Program Development Grants*

FY 2009 Enacted	\$16,830,000
FY 2010 Admin. Request	\$16,830,000
FY 2010 Enacted	\$16,830,000

The Wetland Program Development Grants enable EPA to provide technical and financial support to assist states, tribes, and local governments toward the national goal of an overall increase in the nation's wetlands. Grants are used to develop new or refine existing state and tribal wetland protection, management, and restoration programs as well as to implement programs where environmental results can be demonstrated.

#### BROWNFIELDS

FY 2009 Enacted	\$23,218,000
FY 2010 Admin. Request	\$25,254,000
FY 2010 Enacted	\$23,904,000

This program, under the EPA's Environmental and Program Management program, differs from the Brownfields programs listed above. It is designed to help states, tribes, local communities and other stakeholders in economic redevelopment to

work together to assess, safely clean up, and reuse Brownfields. The other programs provide funding for cleanup purposes alone. However, both programs work in conjunction with one another.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) WASTE MANAGEMENT

FY 2009 Enacted	\$64,511,000
FY 2010 Admin. Request	\$67,550,000
FY 2010 Enacted	\$67,550,000

The RCRA Waste Management program is designed to reduce the amount of waste generated and to improve the recovery and conservation of materials by focusing on a hierarchy of waste management options that advocate reduction, reuse, and recycling over treatment and disposal. The program has a tribal component, which is aimed at providing technical assistance to tribes.

LEAKING UNDERGROUND STORAGE TANKS (LUST/UST)

- *Environmental and Program Management Fund*

FY 2009 Enacted	\$11,105,000
FY 2010 Admin. Request	\$11,855,000
FY 2010 Enacted	\$12,451,000

- *State and Tribal Assistance Grants*

FY 2009 Enacted	\$2,500,000
FY 2010 Admin. Request	\$2,500,000
FY 2010 Enacted	\$2,500,000

This program is designed to prevent, detect, and repair leaks from underground storage tanks including those containing fuel or oil. The Environmental and Program Management funds primarily go to states to help with enforcement, though the EPA is working with tribes and tribal consortia to build and implement their own LUST programs. The State and Tribal Assistance Grants for LUST are used primarily to assist tank owners in ensuring their tanks do not leak and to detect leaks.

Please let us know if we may be of further assistance regarding the FY 2010 budget for programs in the Bureau of Indian Affairs or other programs covered in this Memorandum.

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INDIAN AFFAIRS  
FY 2010 BUDGET  
(Dollars in thousands)

ACTIVITIES Subactivities Program Elements	FY 2009 Enacted	Fixed Costs & Related Changes +/-	Program Changes +/-	FY 2010 President's Budget Request	FY 2010 HOUSE Mark	FY 2010 SENATE Mark	FY 2010 CONFERENCE (ENACTED)	Change from 2009 Enacted	Change from Pres.Bud.	Change from House
<b>OPERATION OF INDIAN PROGRAMS BUREAU OF INDIAN AFFAIRS</b>										
<b>TRIBAL GOVERNMENT</b>										
Aid to Tribal Government (TPA)	33,596	-401		33,195	33,195	33,195	33,195	-401		
Consolidated Tribal Gov't Program (TPA)	68,933	2,726		71,659	71,659	71,659	71,659	2,726		
Self Government Compacts (TPA)	144,397	3,365		147,762	147,762	147,762	147,762	3,365		
Contract Support (TPA)	147,294		5,500	152,794	159,084	154,794	166,000	18,706	13,206	6,916
Indian Self-Determination Fund (TPA)			2,000	2,000	2,000	2,000	2,000	2,000		
New Tribes (TPA)	311			311	311	311	311			
Tribal Government Program Oversight	8,000	114	737	8,851	8,851	8,851	8,851	851		
Central Oversight	4,100	53	-263	3,890	3,890	3,890	3,890	-210		
Regional Oversight	3,900	61	1,000	4,961	4,961	4,961	4,961	1,061		
<b>Total, Tribal Government</b>	<b>402,531</b>	<b>5,804</b>	<b>8,237</b>	<b>416,572</b>	<b>422,862</b>	<b>418,572</b>	<b>429,778</b>	<b>27,247</b>	<b>13,206</b>	<b>6,916</b>
<b>HUMAN SERVICES</b>										
Social Services (TPA)	33,538	228		33,766	33,766	33,766	33,766	228		
Welfare Assistance (TPA)	74,915			74,915	74,915	74,915	74,915			
Indian Child Welfare Act (TPA)	10,798	345		11,143	11,143	11,143	11,143	345		
Housing Improvement Program (TPA)	13,614	69	-1,063	12,620	12,620	13,683	12,620	-994		
Human Services Tribal Design (TPA)	444	11		455	455	455	455	11		
Human Services Program Oversight	4,139	58	-100	4,097	4,097	4,097	4,097	-42		
Central Oversight	3,296	12	-1,200	2,108	2,108	2,108	2,108	-1,188		
Regional Oversight	843	46	1,100	1,989	1,989	1,989	1,989	1,146		
<b>Total, Human Services</b>	<b>137,448</b>	<b>711</b>	<b>-1,163</b>	<b>136,996</b>	<b>136,996</b>	<b>138,059</b>	<b>136,996</b>	<b>-452</b>		
<b>TRUST - NATURAL RESOURCES MANAGEMENT</b>										
Natural Resources (UTB) (TPA)	4,454	187		4,641	4,641	4,641	4,641	187		
Irrigation Operations and Maintenance	11,922	48		11,970	11,970	11,970	11,970	48		
Rights Protection Implementation	18,250	201		18,451	30,451	18,451	30,451	12,201	12,000	
Tribal Management/Development Program	5,679	-108	-785	4,786	4,786	5,636	5,636	-43	850	850
[Upper Columbia United Tribes]						[+350]	[+350]		[+350]	[+350]
[Cheyenne River Sioux Tribe]						[+500]	[+500]		[+500]	[+500]
Endangered Species (UTB)	1,234	15		1,249	1,249	1,249	1,249	15		
Natural Resources IT	2,130			2,130	2,130	2,130	2,130			
Integrated Resource Info Program (UTB)	2,130			2,130	2,130	2,130	2,130			
Agriculture & Range (UTB)	24,363	549	4,000	28,912	28,912	28,912	28,912	4,549		
Agriculture Program (UTB) (TPA)	23,342	546	2,000	25,888	25,888	25,888	25,888	2,546		
Invasive Species/Noxious Weed Eradication (UTB)	1,021	3	2,000	3,024	3,024	3,024	3,024	2,003		
Forestry (UTB)	43,203	651		43,854	43,854	43,854	43,854	651		
Forestry Program (UTB) (TPA)	25,574	507		26,081	26,081	26,081	26,081	507		
Forestry Projects (UTB)	17,629	144		17,773	17,773	17,773	17,773	144		
Water Resources (partial UTB)	10,018	66		10,084	10,084	10,084	10,084	66		
Water Resources Program (UTB) (TPA)	4,215	45		4,260	4,260	4,260	4,260	45		
Water Mgmt., Planning & PreDevelopment	5,803	-179		5,624	5,624	5,624	5,624	-179		
Ft. Peck Water System		200		200	200	200	200	200		
Fish, Wildlife and Parks (UTB)	7,429	-19	2,000	9,410	11,410	9,410	11,410	3,981	2,000	
Wildlife & Parks Program (UTB) (TPA)	4,980	-22		4,958	4,958	4,958	4,958	-22		
Fish, Wildlife & Parks Projects (UTB)	2,449	3	2,000	4,452	6,452	4,452	6,452	4,003	2,000	
[Fish Hatchery Ops]					[2,000]		[2,000]			

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ACTIVITIES Subactivities Program Elements	FY 2009 Enacted	Fixed Costs & Related Changes +/-	Program Changes +/-	FY 2010 President's Budget Request	FY 2010 HOUSE Mark	FY 2010 SENATE Mark	FY 2010 CONFERENCE (ENACTED)	Change from 2009 Enacted	Change from Pres.Bud	Change from House
Minerals and Mining (UTB)	12,474	148	6,000	18,622	18,622	18,622	18,622	6,148		
Minerals & Mining Program (UTB) (TPA)	3,174	91		3,265	3,265	3,265	3,265	91		
Minerals & Mining Projects (UTB)	6,933	39	6,000	12,972	12,972	12,972	12,972	6,039		
Minerals & Mining Central Oversight (UTB)	1,492	30		1,522	1,522	1,522	1,522	30		
Minerals & Mining Regional Oversight (UTB)	875	-12		863	863	863	863	-12		
Resource Management Program Oversight (UTB)	6,554	105		6,659	6,659	6,659	6,659	105		
Central Oversight (UTB)	2,222	28		2,250	2,250	2,250	2,250	28		
Regional Oversight (UTB)	4,332	77		4,409	4,409	4,409	4,409	77		
<b>Total, Trust-Natural Resources Management</b>	<b>147,710</b>	<b>1,843</b>	<b>11,215</b>	<b>160,768</b>	<b>174,768</b>	<b>161,618</b>	<b>175,618</b>	<b>27,908</b>	<b>14,850</b>	<b>850</b>
<b>TRUST - REAL ESTATE SERVICES</b>										
Trust Services (UTB) (TPA)	11,082	90	-1,500	9,672	9,672	9,672	9,672	-1,410		
Navajo-Hopi Settlement Program	1,203	27		1,230	1,230	1,230	1,230	27		
Probate (UTB) (TPA)	12,952	169		13,121	13,121	13,121	13,121	169		
Probate Backlog (UTB)	7,382	70		7,452	7,452	7,452	7,452	70		
Land Title and Records Offices (UTB)	14,747	309	-500	14,556	14,556	14,556	14,556	-191		
Real Estate Services (UTB)	48,140	758	-500	48,398	48,398	48,398	48,398	258		
RES Program (UTB) (TPA)	33,828	690		34,518	34,518	34,518	34,518	690		
RES Projects (UTB)	14,312	68	-500	13,880	13,880	13,880	13,880	-432		
Land Records Improvement (UTB)	15,659	-205		15,454	15,454	15,454	15,454	-205		
LRI - Central (UTB)	13,648	-216		13,432	13,432	13,432	13,432	-216		
LRI - Regional (UTB)	2,011	11		2,022	2,022	2,022	2,022	11		
Environmental Quality (UTB)	11,601	2,113	1,000	14,714	14,714	14,714	14,714	3,113		
EQ Program (UTB) (TPA)	2,647	43		2,690	2,690	2,690	2,690	43		
EQ Projects (UTB)	8,954	2,070	1,000	12,024	12,024	12,024	12,024	3,070		
Alaskan Native Programs	1,022	11		1,033	1,033	1,033	1,033	11		
Alaskan Native Programs (TPA)	1,022	11		1,033	1,033	1,033	1,033	11		
Rights Protection	11,137	-101	1,000	12,036	12,036	12,036	12,036	899		
Rights Protection (TPA)	2,008	67		2,075	2,075	2,075	2,075	67		
Water Rights Negotiations/Litigation	6,856	-171	1,000	7,685	7,685	7,685	7,685	829		
Litigation Support/Attny Fees	2,101			2,101	2,101	2,101	2,101			
Other Indian Rights Protection	172	3		175	175	175	175	3		
Trust - Real Estate Services Oversight (UTB)	15,162	165	-500	14,827	14,827	14,827	14,827	-335		
Central Oversight (UTB)	4,048	37	-500	3,585	3,585	3,585	3,585	-463		
Regional Oversight (UTB)	11,114	128		11,242	11,242	11,242	11,242	128		
<b>Total, Trust-Real Estate Services</b>	<b>150,087</b>	<b>3,406</b>	<b>-1,000</b>	<b>152,493</b>	<b>152,493</b>	<b>152,493</b>	<b>152,493</b>	<b>2,406</b>		
<b>PUBLIC SAFETY AND JUSTICE</b>										
Law Enforcement	255,077	3,075	25,000	283,152	283,152	303,152	303,152	48,075	20,000	20,000
Original Investigations and Police Services	163,148	1,405	10,500	175,053	175,053	185,053	175,053	11,905		
Detention/Corrections	64,648	785	5,000	70,433	70,433	70,433	70,433	5,785		
Inspections/Internal Affairs	3,187	25		3,212	3,212	3,212	3,212	25		
Law Enforcement Special Initiatives	15,022	29	2,000	17,051	17,051	17,051	17,051	2,029		
Indian Police Academy	4,089	-427	500	4,162	4,162	4,162	4,162	73		
[Outreach Initiative]						[500]				
Tribal Justice Support	1,462	1,235	3,000	5,697	5,697	5,697	5,697	4,235		
Law Enforcement Program Management	3,521	23	4,000	7,544	7,544	10,544	7,544	4,023		
Law Enforcement P.L.110-293						20,000	20,000	20,000		20,000
Tribal Courts (TPA)	14,508	196	5,000	19,704	19,704	24,704	19,704	5,196	5,000	20,000
Tribal Courts P.L.110-293						999	999	5,000	5,000	5,000
Fire Protection (TPA)	1,200	-201		999	999	999	999	-201		
<b>Total, Public Safety and Justice</b>	<b>270,785</b>	<b>3,070</b>	<b>30,000</b>	<b>303,855</b>	<b>303,855</b>	<b>328,855</b>	<b>328,855</b>	<b>58,070</b>	<b>25,000</b>	<b>25,000</b>

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ACTIVITIES Subactivities Program Elements	FY 2009 Enacted	Fixed Costs & Related Changes +/-	Program Changes +/-	FY 2010 President's Budget Request	FY 2010 HOUSE Mark	FY 2010 SENATE Mark	FY 2010 CONFERENCE (ENACTED)	Change from 2009 Enacted	Change from Pres.Bud.	Change from House
<b>COMMUNITY and ECONOMIC DEVELOPMENT</b>										
Job Placement and Training (TPA)	11,864	-210		11,654	11,654	11,654	11,654	-210		
Economic Development (TPA)	3,493	-1,252		2,241	2,241	2,241	2,241	-1,252		
Road Maintenance (TPA)	26,046	444		26,490	26,490	26,490	26,490	444		
Community Development	400			400	1,400	400	1,400	1,000	1,000	
Community Development Oversight	1,786	1,339		3,125	3,125	3,125	3,125	1,339		
Central Oversight	958	2,167		3,125	3,125	3,125	3,125	2,167		
Regional Oversight	828	-828						-828		
<b>Total, Community and Economic Development</b>	<b>43,589</b>	<b>321</b>		<b>43,910</b>	<b>44,910</b>	<b>43,910</b>	<b>44,910</b>	<b>1,321</b>	<b>1,000</b>	
<b>EXECUTIVE DIRECTION and ADMINISTRATIVE SERVICES</b>										
Assistant Secretary Support	10,874	759	664	12,297	12,297	12,297	12,297	1,423		
Executive Direction	18,982	661	1,145	20,788	20,788	20,788	20,788	1,806		
Executive Direction (TPA)	13,747	296		14,043	14,043	14,043	14,043	296		
Executive Direction (Central)	2,019	230	1,145	3,394	3,394	3,394	3,394	1,375		
Executive Direction (Regional)	3,216	135		3,351	3,351	3,351	3,351	135		
Administrative Services	49,902	887		50,789	50,789	50,789	50,789	887		
Administrative Services (TPA)	13,398	317		13,715	13,715	13,715	13,715	317		
Administrative Services (Central)	36,504	570		37,074	37,074	37,074	37,074	570		
Safety and Risk Management	838	1,020		1,858	1,858	1,858	1,858	1,020		
Central Safety & Risk Management		838		838	838	838	838	838		
Regional Safety Management	838	182		1,020	1,020	1,020	1,020	182		
Information Resources Technology (UTB)	59,735	31		59,766	59,766	59,766	59,766	31		
Human Capital Management	31,050	404		31,454	31,454	31,454	31,454	404		
Human Resources	10,531	220		10,751	10,751	10,751	10,751	220		
Labor-Related Payments and Training	20,519	184		20,703	20,703	20,703	20,703	184		
Facilities Management	25,433	-624		24,809	24,809	24,809	24,809	-624		
Facilities Management	4,885	-929		3,956	3,956	3,956	3,956	-929		
Operations and Maintenance	20,548	305		20,853	20,853	20,853	20,853	305		
Intra-Governmental Payments	26,633	1,504		28,137	28,137	28,137	28,137	1,504		
Rentals [GSA/Direct]	36,880	1,137		38,017	38,017	38,017	38,017	1,137		
<b>Total, Executive Direction &amp; Administrative Svcs</b>	<b>260,327</b>	<b>5,779</b>	<b>1,809</b>	<b>267,915</b>	<b>267,915</b>	<b>267,915</b>	<b>267,915</b>	<b>7,588</b>		
<b>TOTAL, BUREAU OF INDIAN AFFAIRS</b>	<b>1,412,477</b>	<b>20,934</b>	<b>49,098</b>	<b>1,482,509</b>	<b>1,503,799</b>	<b>1,511,422</b>	<b>1,536,565</b>	<b>124,088</b>	<b>54,056</b>	<b>32,766</b>
<b>BUREAU OF INDIAN EDUCATION</b>										
Elementary and Secondary (forward funded)	499,470	7,232	10,000	516,702	516,702	516,702	516,702	19,232	2,000	
ISEP Formula Funds	375,000	6,699	10,000	391,699	391,699	391,699	391,699	16,699		
ISEP Program Adjustments	3,266	72		3,338	3,338	3,338	3,338	72		
Education Program Enhancements	12,108	2		12,110	12,110	12,110	12,110	2		
Student Transportation	50,500	308		50,808	50,808	50,808	50,808	308		
Early Childhood Development (FACE)	15,223	151		15,374	15,374	15,374	15,374	151		
Administrative Cost Grants	43,373			43,373	43,373	43,373	43,373			
Elementary/Secondary Programs	75,126	253	2,000	77,379	77,379	77,379	77,379	2,253		
Facilities Operations	56,972	438	2,000	59,410	59,410	59,410	59,410	2,438		
Residential Education Placement Program	3,737	23		3,760	3,760	3,760	3,760	23		
Juvenile Detention Education	620			620	620	620	620			
Johnson-O'Malley Assistance Grants (TPA)	13,797	-208		13,589	13,589	13,589	13,589	-208		
Post-Secondary Programs (forward funded)			50,000	50,000	50,000	50,000	50,000	50,000		
Tribal Colleges and Universities (forward funded)			50,000	50,000	50,000	50,000	50,000	50,000		

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ACTIVITIES Subactivities Program Elements	FY 2009 Enacted	Fixed Costs & Related Changes +/-	Program Changes +/-	FY 2010 President's Budget Request	FY 2010 HOUSE Mark	FY 2010 SENATE Mark	FY 2010 CONFERENCE (ENACTED)	Change from 2009 Enacted	Change from Pres.Bud.	Change from House
<b>Post Secondary Programs</b>	115,272	419	10,000	125,691	123,691	127,291	126,791	11,519	1,100	3,100
Haskell and SIPI	16,852	412		17,264	17,264	18,264	17,764	912	500	500
Tribal Colleges and Universities	59,321		5,000	64,321	62,321	64,321	64,321	5,000		2,000
Tribal Colleges and Universities Supplements (TPA)	1,272	16		1,288	1,288	1,288	1,288	16		
Tribal Technical Colleges	6,000	69		6,069	6,069	6,669	6,669	669	600	600
[United Tribes Technical College]	[4,000]					[+400]	[+400]		[+400]	
[Navajo Technical College]	[2,000]					[+200]	[+200]		[+200]	
Scholarships and Adult Education (TPA)	29,663	-78	5,000	34,585	34,585	34,585	34,585	4,922		
Special Higher Education Scholarships	2,164			2,164	2,164	2,164	2,164			
Education Management	26,285	243		26,528	26,528	26,528	26,528	243		
Education Program Management	18,928	236		19,164	19,164	19,164	19,164	236		
Education IT	7,357	7		7,364	7,364	7,364	7,364	7		
<b>TOTAL, BUREAU OF INDIAN EDUCATION</b>	<b>716,153</b>	<b>8,147</b>	<b>72,000</b>	<b>796,300</b>	<b>796,300</b>	<b>797,900</b>	<b>799,400</b>	<b>83,247</b>	<b>3,100</b>	<b>3,100</b>
<b>TOTAL, OIP</b>	<b>2,128,630</b>	<b>29,081</b>	<b>121,098</b>	<b>2,278,809</b>	<b>2,300,099</b>	<b>2,309,322</b>	<b>2,335,965</b>	<b>207,335</b>	<b>57,156</b>	<b>35,866</b>
<b>CONSTRUCTION</b>										
<b>EDUCATION CONSTRUCTION</b>										
Replacement School Construction	22,405	3	-16,444	5,964	5,964	5,964	5,964	-16,441		
Replacement Facility Construction	17,013			17,013	17,013	17,013	17,013			
Employee Housing Repair	4,445	6		4,451	4,451	4,451	4,451	6		
Facilities Improvement and Repair	84,974	592		85,566	85,566	85,566	85,566	592		
<b>Total, Education Construction</b>	<b>128,837</b>	<b>601</b>	<b>-16,444</b>	<b>112,994</b>	<b>112,994</b>	<b>112,994</b>	<b>112,994</b>	<b>-15,843</b>		
<b>PUBLIC SAFETY AND JUSTICE CONSTRUCTION</b>										
Facilities Replacement/new construction	21,500			21,500	21,500	21,500	41,500	20,000	20,000	20,000
Employee Housing	3,500			3,500	3,500	8,500	8,500	5,000	5,000	5,000
Facilities Improvement and Repair	10,941	6		10,947	10,947	30,947	10,947	6		
Fire Safety Coordination	179	2		181	181	181	181	2		
Fire Protection	3,279			3,279	3,279	3,279	3,279			
<b>Total, Public Safety and Justice Construction</b>	<b>39,399</b>	<b>8</b>		<b>39,407</b>	<b>39,407</b>	<b>64,407</b>	<b>64,407</b>	<b>25,008</b>	<b>25,000</b>	<b>25,000</b>
<b>RESOURCES MANAGEMENT CONSTRUCTION</b>										
Irrigation Project Construction:	15,421	-1,986		13,435	13,435	13,435	13,435	-1,986		
Navajo Indian Irrig. Project	12,421	14		12,435	12,435	12,435	12,435	14		
Irrigation Projects-Rehabilitation	1,000			1,000	1,000	1,000	1,000			
Uranium Contamination Mitigation-Navajo & Hopi	2,000	-2,000						-2,000		
Engineering and Supervision	2,106	19		2,125	2,125	2,125	2,125	19		
Survey and Design	292			292	292	292	292			
Federal Power Compliance [FERC]	655	3		658	658	658	658	3		
Dam Projects:	21,832	43		21,875	21,875	21,875	21,875	43		
Safety of Dams	19,918	32		19,950	19,950	19,950	19,950	32		
Dam Maintenance	1,914	11		1,925	1,925	1,925	1,925	11		
<b>Total, Resources Management Construction</b>	<b>40,306</b>	<b>-1,921</b>		<b>38,385</b>	<b>38,385</b>	<b>38,385</b>	<b>38,385</b>	<b>-1,921</b>		
<b>OTHER PROGRAM CONSTRUCTION</b>										
Telecommunications Improvement & Repair	881	2		883	883	883	883	2		
Facilities/Quarters Improvement and Repair	1,179	2		1,181	1,181	1,181	1,181	2		
Construction Program Management	7,086	64		7,150	7,150	7,150	7,150	64		
<b>Total, Other Program Construction</b>	<b>9,146</b>	<b>68</b>		<b>9,214</b>	<b>9,214</b>	<b>9,214</b>	<b>9,214</b>	<b>68</b>		
<b>TOTAL, CONSTRUCTION</b>	<b>217,688</b>	<b>-1,244</b>	<b>-16,444</b>	<b>200,000</b>	<b>200,000</b>	<b>225,000</b>	<b>225,000</b>	<b>7,312</b>	<b>25,000</b>	<b>25,000</b>

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ACTIVITIES Subactivities Program Elements	FY 2009 Enacted	Fixed Costs & Related Changes +/-	Program Changes +/-	FY 2010 President's Budget Request	FY 2010 HOUSE Mark	FY 2010 SENATE Mark	FY 2010 CONFERENCE (ENACTED)	Change from 2009 Enacted	Change from Pres.Bud.	Change from House
<b>INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS</b>										
Land Settlements:										
White Earth Land Settlement Act (Adm.)	625			625	625	625	625			
Hoopa-Yurok Settlement	250			250	250	250	250			
Water Settlements:										
Pyramid Lake Water Rights Settlement	142			142	142	142	142			
Nez Perce/Snake River	15,210		253	15,463	15,463	15,463	15,463	253		
Navajo Water Resources Development Trust Fund			6,000	6,000	6,000	6,000	6,000	6,000		
Duck Valley Water Rights Settlement			12,000	12,000	12,000	12,000	12,000	12,000		
Miscellaneous Payments:										
Puget Sound Regional Shellfish Settlement	3,000		2,000	5,000	5,000	5,000	5,000	2,000		
Pueblo of Jisleta Settlement	2,400			2,400	2,400	2,400	2,400			
Soboba Band of Luiseno Indians Settlement			5,500	5,500	5,500	5,500	5,500	5,500		
<b>TOTAL, SETTLEMENTS/MISC. PAYMENTS</b>	<b>21,627</b>		<b>25,753</b>	<b>47,380</b>	<b>47,380</b>	<b>47,380</b>	<b>47,380</b>	<b>25,753</b>		
<b>INDIAN GUARANTEED LOAN PROGRAM</b>										
Subsidies	6,586			6,586	6,586	6,586	6,586			
Program Management	1,600	29		1,629	1,629	1,629	1,629	29		
<b>TOTAL, INDIAN GUARANTEED LOAN PROGRAM</b>	<b>8,186</b>	<b>29</b>		<b>8,215</b>	<b>8,215</b>	<b>8,215</b>	<b>8,215</b>	<b>29</b>		
<b>INDIAN LAND CONSOLIDATION PROGRAM</b>	<b>* 101</b>		<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>		
<b>TOTAL, DIRECT APPROPRIATED FUNDS</b>	<b>2,376,131</b>	<b>27,866</b>	<b>133,407</b>	<b>2,537,404</b>	<b>2,558,694</b>	<b>2,592,917</b>	<b>2,619,560</b>	<b>243,429</b>	<b>82,156</b>	<b>60,366</b>

\* Included in the Office of the Special Trustee Budget for FY 2009

ACTIVITIES Subactivities Program Elements	Change from Senate
<b>OPERATION OF INDIAN PROGRAMS BUREAU OF INDIAN AFFAIRS TRIBAL GOVERNMENT</b>	
Aid to Tribal Government (TPA)	
Consolidated Tribal Gov't Program (TPA)	
Self Governance Compacts (TPA)	
Contract Support (TPA)	11,206
Indian Self-Determination Fund (TPA)	
New Tribes (TPA)	
Tribal Government Program Oversight	
Central Oversight	
Regional Oversight	
<b>Total, Tribal Government</b>	<b>11,206</b>
<b>HUMAN SERVICES</b>	
Social Services (TPA)	
Welfare Assistance (TPA)	
Indian Child Welfare Act (TPA)	
Housing Improvement Program (TPA)	-1,063
Human Services Tribal Design (TPA)	
Human Services Program Oversight	
Central Oversight	
Regional Oversight	
<b>Total, Human Services</b>	<b>-1,063</b>
<b>TRUST - NATURAL RESOURCES MANAGEMENT</b>	
Natural Resources (UTB) (TPA)	
Irrigation Operations and Maintenance	
Rights Protection Implementation	12,000
Tribal Management/Development Program	
[Upper Columbia United Tribes]	
[Cheyenne River Sioux Tribe]	
Endangered Species (UTB)	
Natural Resources IT	
Integrated Resource Info Program (UTB)	
Agriculture & Range (UTB)	
Agriculture Program (UTB) (TPA)	
Invasive Species/Noxious Weed Eradication (UTB)	
Forestry (UTB)	
Forestry Program (UTB) (TPA)	
Forestry Projects (UTB)	
Water Resources (partial UTB)	
Water Resources Program (UTB) (TPA)	
Water Mgmt., Planning & PreDevelopment	
Ft. Peck Water System	
Fish, Wildlife and Parks (UTB)	2,000
Wildlife & Parks Program (UTB) (TPA)	
Fish, Wildlife & Parks Projects (UTB)	2,000
[Fish Hatchery Ops]	

ACTIVITIES Subactivities Program Elements	Change from Senate
Minerals and Mining (UTB)	
Minerals & Mining Program (UTB) (TPA)	
Minerals & Mining Projects (UTB)	
Minerals & Mining Central Oversight (UTB)	
Minerals & Mining Regional Oversight (UTB)	
Resource Management Program Oversight (UTB)	
Central Oversight (UTB)	
Regional Oversight (UTB)	
<b>Total, Trust-Natural Resources Management</b>	<b>14,000</b>
<b>TRUST - REAL ESTATE SERVICES</b>	
Trust Services (UTB) (TPA)	
Navajo-Hopi Settlement Program	
Probate (UTB) (TPA)	
Probate Backlog (UTB)	
Land Title and Records Offices (UTB)	
Real Estate Services (UTB)	
RES Program (UTB) (TPA)	
RES Projects (UTB)	
Land Records Improvement (UTB)	
LRI - Central (UTB)	
LRI - Regional (UTB)	
Environmental Quality (UTB)	
EQ Program (UTB) (TPA)	
EQ Projects (UTB)	
Alaskan Native Programs	
Alaskan Native Programs (TPA)	
Rights Protection	
Rights Protection (TPA)	
Water Rights Negotiations/Litigation	
Litigation Support/Attory Fees	
Other Indian Rights Protection	
Trust - Real Estate Services Oversight (UTB)	
Central Oversight (UTB)	
Regional Oversight (UTB)	
<b>Total, Trust-Real Estate Services</b>	
<b>PUBLIC SAFETY AND JUSTICE</b>	
Law Enforcement	
Criminal Investigations and Police Services	-10,000
Detention/Corrections	-5,000
Inspections/Internal Affairs	
Law Enforcement Special Initiatives	-1,000
Indian Police Academy [Outreach Initiative]	-1,000
Tribal Justice Support	
Law Enforcement Program Management	-3,000
Law Enforcement P.L.110-293	20,000
Tribal Courts (TPA)	-5,000
Tribal Courts P.L.110-293	5,000
Fire Protection (TPA)	
<b>Total, Public Safety and Justice</b>	

ACTIVITIES Subactivities Program Elements	Change from Senate
<b>COMMUNITY and ECONOMIC DEVELOPMENT</b>	
Job Placement and Training (TPA)	
Economic Development (TPA)	
Road Maintenance (TPA)	1,000
Community Development Oversight Central Oversight	
Regional Oversight	
<b>Total, Community and Economic Development</b>	<b>1,000</b>
<b>EXECUTIVE DIRECTION and ADMINISTRATIVE SERVICES</b>	
Assistant Secretary Support	
Executive Direction	
Executive Direction (TPA)	
Executive Direction (Central)	
Executive Direction (Regional)	
Administrative Services	
Administrative Services (TPA)	
Administrative Services (Central)	
Safety and Risk Management	
Central Safety & Risk Management	
Regional Safety Management	
Information Resources Technology (UTB)	
Human Capital Management	
Human Resources	
Labor-Related Payments and Training	
Facilities Management	
Facilities Management	
Operations and Maintenance	
Intra-Governmental Payments	
Rentals [GSA/Direct]	
<b>Total, Executive Direction &amp; Administrative Svcs</b>	
<b>TOTAL, BUREAU OF INDIAN AFFAIRS</b>	<b>25,143</b>
<b>BUREAU OF INDIAN EDUCATION</b>	
Elementary and Secondary (forward funded)	2,000
ISEP Formula Funds	
ISEP Program Adjustments	
Education Program Enhancements	
Student Transportation	
Early Childhood Development (FACE)	2,000
Administrative Cost Grants	
Elementary/Secondary Programs	
Facilities Operations	
Residential Education Placement Program	
Juvenile Detention Education	
Johnson-O'Malley Assistance Grants (TPA)	
Post-Secondary Programs (forward funded)	
Tribal Colleges and Universities (forward funded)	

ACTIVITIES Subactivities Program Elements	Change from Senate
Post Secondary Programs	-500
Haskell and SIPI	-500
Tribal Colleges and Universities	
Tribal Colleges and Universities Supplements (TPA)	
Tribal Technical Colleges	
[United Tribes Technical College]	
[Navajo Technical College]	
Scholarships and Adult Education (TPA)	
Special Higher Education Scholarships	
Education Management	
Education Program Management	
Education IT	
<b>TOTAL, BUREAU OF INDIAN EDUCATION</b>	<b>1,500</b>
<b>TOTAL, OIP</b>	<b>26,643</b>
<b>CONSTRUCTION</b>	
<b>EDUCATION CONSTRUCTION</b>	
Replacement School Construction	
Replacement Facility Construction	
Employee Housing Repair	
Facilities Improvement and Repair	
<b>Total, Education Construction</b>	
<b>PUBLIC SAFETY AND JUSTICE CONSTRUCTION</b>	
Facilities Replacement/new construction	20,000
Employee Housing	
Facilities Improvement and Repair	-20,000
Fire Safety Coordination	
Fire Protection	
<b>Total, Public Safety and Justice Construction</b>	
<b>RESOURCES MANAGEMENT CONSTRUCTION</b>	
Irrigation Project Construction:	
Navajo Indian Irrig. Project	
Irrigation Projects-Rehabilitation	
Uranium Contamination Mitigation-Navajo & Hopi	
Engineering and Supervision	
Survey and Design	
Federal Power Compliance [FERC]	
Dam Projects:	
Safety of Dams	
Dam Maintenance	
<b>Total, Resources Management Construction</b>	
<b>OTHER PROGRAM CONSTRUCTION</b>	
Telecommunications Improvement & Repair	
Facilities/Quarters Improvement and Repair	
Construction Program Management	
<b>Total, Other Program Construction</b>	
<b>TOTAL, CONSTRUCTION</b>	

INDIAN AFFAIRS  
 FY 2010 BUDGET  
 (Dollars in thousands)

ACTIVITIES Subactivities Program Elements	Change from Senate
<b>INDIAN LAND AND WATER CLAIM SETTLEMENTS</b>	
Land Settlements:	
White Earth Land Settlement Act (Adm.)	
Hoopla-Yurok Settlement	
Water Settlements:	
Pyramid Lake Water Rights Settlement	
Nez Perce/Snake River	
Navajo Water Resources Development Trust Fund	
Duck Valley Water Rights Settlement	
Miscellaneous Payments:	
Puget Sound Regional Shellfish Settlement	
Pueblo of Isleta Settlement	
Soboba Band of Luiseno Indians Settlement	
<b>TOTAL, SETTLEMENTS/MISC. PAYMENTS</b>	
<b>INDIAN GUARANTEED LOAN PROGRAM</b>	
Subsidies	
Program Management	
<b>TOTAL, INDIAN GUARANTEED LOAN PROGRAM</b>	
<b>INDIAN LAND CONSOLIDATION PROGRAM</b>	
<b>TOTAL, DIRECT APPROPRIATED FUNDS</b>	<b>26,643</b>

\* Included in the Office of the Special Trustee Budget for FY 2009