

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

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UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

**Quarterly Report
to the
Oneida Business Committee
For the period October 1, 2013 to February 5, 2014**

**Christopher Johns
Self-Governance Coordinator**

Consolidated Appropriations Act of 2014

On January 17, 2014, the President signed the Consolidated Appropriations Act of 2014. Throughout the last year, tribes have worked with Congressional allies to undo sequester reductions and avoid cutting even more deeply from programs which affect Indian Country in keeping with the solemn duty to fund the trust responsibility. This Act partially replaces sequestration. A majority of tribal trust and treaty promises are funded in the domestic discretionary budget in the following appropriations bills:

- Interior-Environment: Bureau of Indian Affairs /Bureau of Indian Education, Indian Health Service
- Labor-Health and Human Services-Education: Department of Health and Human Services, Administration for Children and Families, Department of Education
- Commerce-Justice-Science: Department of Justice, Office of Justice Programs, State and Local Law Enforcement, Office of Violence Against Women, Community Oriented Policing Services
- Transportation, Housing: Housing and Urban Development, Indian Housing Block Grant, Indian Community Development Block Grant

Most significantly, the Act does not include statutory language carried in previous years that limited the amount available in any given fiscal year for the payment of contract support costs, nor does it include the proposal put forth in the Administration's FY 2014 budget request that would have placed a cap on the contract support cost amounts available for each tribal contract or compact. The Joint Explanatory Report noted that the Administration's "proposal was developed without tribal consultation and the Committees heard from numerous Tribes voicing their strong opposition."

In addition, the Committees directed *"the Department of the Interior and the Department of Health and Human Services to consult with the Tribes and work with the House and Senate committees of jurisdiction, the Office of Management and Budget, and the Committees on Appropriations to formulate long-term accounting, budget, and legislative strategies to address the situation. In the Committees' view, each Department's solution should consider a standardized approach that streamlines*

the contract negotiation process, provides consistent and clear cost categories, and ensures efficient and timely cost documentation for the Departments and the Tribes. Within 120 days of enactment of this Act, the Departments shall develop work plans and announce consultation with Tribes on this issue.”

Contract Support Costs Claim

As reported previously, the Supreme Court determined in the Ramah Navajo Chapter class action case that the federal government was at fault for underpaying contract support costs for a specific number of years. A negotiated settlement in that case is pending.

However, in the Cherokee Nation case, while the Supreme Court also found the federal government at fault for underpaying contract support costs for a specific number of years, each affected Tribe was left to negotiate a settlement with the Indian Health Service or pursue relief through an administrative and/or legal process. While some tribes have negotiated a settlement simply to get this issue behind them, others refuse to negotiate with the IHS because the settlement offers have been based upon inconsistent factors and amounted to pennies on the dollar. The language in the Joint Explanatory Report makes it clear that Congress wants the two agencies to consult with tribes on a process that will formulate a long-term strategy to resolve this issue. It is probable that the two national committees on which we have representation – the Tribal Self-Governance Advisory Committee for the IHS and the Self-Governance Advisory Committee for the BIA – will be active participants in this process.

Indian Health Service Funding

The Act provides \$4.4 billion for the Indian Health Service (IHS), which is about \$78 million over the FY 2013 level (before sequestration and rescissions). This level is about \$304 million above the FY 2013 post-sequestration and post-rescission levels.

Bureau of Indian Affairs

The Act provides \$2.531 billion for the BIA and BIE, \$18 million over the FY 2013 enacted level (pre-sequester and across-the-board rescissions). The level, which is the same as the FY 2012 enacted level, is \$142 million over the post-sequester and post rescission FY 2013 level. The Act provides funding for contract support costs in accordance with the Ramah Navajo Chapter Supreme Court decision.

Other Notable Federal Funding under the Act

- The FY 2014 Act funds many Department of Justice (DOJ) public safety initiatives in Indian Country. The Omnibus did not adopt the Senate language regarding a 5 percent tribal set-aside. However, \$30 million is appropriated to OJP for “assistance to Indian tribes.” While this is significantly less than the 7 percent tribal set-aside requested in the President’s budget, it does appear to give OJP the authority to administer the funds in a new, more flexible way.
- The Act restores cuts caused by sequestration by providing \$8.6 billion for Head Start and \$3.4 billion for the Low Income Home Energy Assistance Program (LIHEAP) program. The bill also includes \$2.3 billion for the Child Care and Development Block Grant program and \$710 million for the Community Services Block Grant program. After taking reductions under sequestration in FY2013, early childhood education initiatives received the largest increases in the Omnibus among education programs. The bill includes language that restores funding for current Head Start grantees to their FY 2012 funding level and, in addition, allows for an approximately 1.3 percent cost of living adjustment. Indian Head Start should receive no less than 3 percent.

- The Act provides \$650 million for the Native American Housing Block Grant, which is an even funding level from FY 2013 enacted amount (before sequestration). The Indian Housing Loan Guarantee program would receive \$6 million for FY 2014. The funding level for Technical assistance and Training is \$3 million, an increase of \$1 million from FY 2013 enacted level. Also included in the Act for training and technical assistances is \$3 million for inspection of Indian housing units; and \$300,000 for travel related expenses.
- In the Act, the Food Distribution Program on Indian Reservations (FDPIR) received a much needed increase of \$4 million and an additional \$998,000 for food education programs. Both the Special Supplemental Nutrition Program for Women, Infant, Children (WIC) and Supplemental Nutrition Assistance Program (SNAP) received increases from base funding levels, however some of the increase, \$125 million for WIC, \$3 billion for SNAP, is intended to replenish depleted reserve funds. Further, the additional funding for SNAP in Fiscal 2012 and 2013 from the American Recovery and Reinvestment Act of 2009 was not restored, leaving a reduced funding amount overall.