



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

August 30, 2016

S. 2920

Tribal Law and Order Reauthorization and Amendments Act of 2016

*As ordered reported by the Senate Committee on Indian Affairs
on June 22, 2016*

SUMMARY

S. 2920 would amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act. It would establish and reauthorize various programs and offices within the Bureau of Indian Affairs (BIA), the Department of Justice (DOJ), and the Judiciary concerning public safety services to Indian communities.

CBO estimates that implementing S. 2920 would cost \$865 million over the 2017-2021 period, assuming appropriation of the authorized and necessary amounts. Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be insignificant.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 2920 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would provide a number of benefits to Indian tribes. Any costs to tribal governments would result from complying with conditions of federal assistance.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2920 is shown in the following table. The costs of this legislation fall within budget functions 750 (administration of justice) and 450 (community and regional development).

	By Fiscal Year, in Millions of Dollars					2017- 2021
	2017	2018	2019	2020	2021	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Indian Law Enforcement, Courts, and Detention Facilities						
Estimated Authorization Level	165	165	165	165	165	825
Estimated Outlays	71	114	137	151	164	637
Alcohol and Drug Abuse and Juvenile Delinquency Prevention						
Estimated Authorization Level	60	53	53	53	53	272
Estimated Outlays	26	35	42	49	53	205
Other Programs						
Estimated Authorization Level	6	5	4	4	4	23
Estimated Outlays	6	5	4	4	4	23
Total Costs						
Estimated Authorization Level	231	223	222	222	222	1,120
Estimated Outlays	103	154	183	204	221	865

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 2920 will be enacted near the start of fiscal year 2017. Estimated outlays are based on information from BIA, DOJ, the Administrative Office of the United States Courts (AOUSC), and historical spending patterns for similar programs.

S. 2920 would specifically authorize the appropriation of about \$1.0 billion over the 2017-2021 period for BIA and DOJ to carry out the bill's provisions. In addition, based on an analysis of information from BIA, DOJ, and the AOUSC, CBO estimates that appropriations totaling about \$0.1 billion over the five-year period also would be necessary to carry out those purposes.

Indian Law Enforcement, Courts, and Detention Facilities

CBO estimates that implementing the provisions of S. 2920 that would authorize funding for Indian law enforcement, courts, and detention facilities would cost \$637 million over the 2017-2021 period, assuming appropriation of the authorized and estimated amounts.

Over the five-year period the bill would authorize the annual appropriation of:

- \$40 million for DOJ to make grants to Indian tribes to hire, train, and properly equip law enforcement officers;
- \$17 million for BIA to construct, renovate, and staff new or existing juvenile detention centers;
- \$35 million for DOJ to make grants to Indian tribes for the construction and maintenance of detention facilities and tribal justice centers;
- \$8 million for BIA to operate the Office of Tribal Justice Support; and
- \$50 million for BIA to financially aid tribal justice systems.

S. 2920 also would authorize the appropriation of such sums that are necessary over the 2017-2021 period for two DOJ grant programs to improve tribal courts and to provide technical and legal assistance to tribes. In 2016, about \$14 million was appropriated for those programs. CBO estimates that continuing those programs over the 2017-2021 period would require appropriations totaling \$75 million.

Alcohol and Drug Abuse and Juvenile Delinquency Prevention

Assuming appropriation of the authorized and estimated amounts, CBO estimates that implementing the provisions of S. 2920 concerning programs to reduce alcohol and drug abuse and juvenile delinquency on tribal lands would cost \$205 million over the 2017-2021 period.

S. 2920 would authorize the appropriation of \$255 million over the 2017-2021 period for alcohol and drug abuse and juvenile delinquency prevention. Specifically, over the five-year period, the bill would authorize the annual appropriation of:

- \$4 million for BIA to combat illegal narcotics trafficking on tribal land;
- \$5 million for BIA to implement summer youth programs to prevent substance abuse;
- \$17 million for BIA to construct, renovate, and staff emergency shelters for Indian youth who abuse alcohol or illegal substances; and
- \$25 million for DOJ to make grants for local and tribal delinquency prevention programs.

S. 2920 also would authorize the appropriation of \$7 million over the 2017-2021 period for BIA to provide assistance to combat substance abuse on tribal land.

The bill also would authorize the appropriation of such sums as are necessary for BIA to provide training for Indian law enforcement and judicial personnel on matters relating to substance abuse and illegal narcotics. In 2016, about \$20 million was allocated for all Indian police and judicial training by BIA. Based on information from BIA about the components of that training, CBO estimates about \$2 million of that sum was used for substance abuse and illegal narcotics training. Continuing such training at the current level and adjusting for anticipated inflation would require an appropriation of \$10 million over the 2017-2021 period.

Other Programs

Sections 102 and 104 would require BIA and DOJ to consult with Indian tribes on the effectiveness of tribal law enforcement. Based on information from BIA about the level of effort expected for this activity, CBO estimates those requirements would cost \$2 million in 2017 and \$1 million in 2018.

Also, section 109 would require offices of federal public defenders in judicial districts that include tribal lands to appoint one assistant Federal Public Defender to serve as a tribal liaison and to ensure that each of those districts has adequate representation for tribal members. According to information from the AOUSC, this provision would require about 20 additional full time employees, added travel expenses, and additional technology and training costs. CBO estimates that implementing section 109 would cost about \$4 million a year over the 2017-2021 period.

PAY-AS-YOU-GO CONSIDERATIONS:

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending and revenues. S. 2920 would establish a new federal crime relating to trespassing on tribal lands. Because those prosecuted and convicted under S. 2920 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation action. CBO expects that any additional revenues and subsequent direct spending would not be significant in any year because the legislation would probably affect only a small number of cases.

INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting S. 2920 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2920 contains no intergovernmental or private-sector mandates as defined in the UMRA and would provide a number of benefits to Indian tribes. The bill would authorize programs and grants to address tribal public safety, offender incarceration, alcohol and substance abuse programs, and treatment and prevention programs for juvenile delinquents. It would create tribal liaisons in offices of federal public defenders, and those liaisons would coordinate the cases of defendants who are accused of federal crimes on Indian land. The bill would direct the Department of Justice to share information from criminal databases with Indian tribes, and it would require the Office of the U.S. Attorney to notify tribes when an enrolled member is convicted in a district court. The bill also would benefit tribes by extending a pilot program to allow offenders convicted in tribal courts to be held in Bureau of Prisons facilities. Any costs to tribal governments would result from complying with conditions of federal assistance.

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