



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 25, 2009

S. 797

Tribal Law and Order Act of 2009

As ordered reported by the Senate Committee on Indian Affairs on September 10, 2009

SUMMARY

S. 797 would establish or reauthorize various programs and offices within the Bureau of Indian Affairs (BIA) and the Department of Justice (DOJ) to support the criminal justice system on Indian lands. Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 797 would cost nearly \$1.1 billion over the 2010-2014 period and about \$380 million after 2014. Enacting the bill would not affect direct spending or revenues.

S. 797 would authorize the appropriation of \$566 million over the 2010-2014 period for BIA and DOJ to carry out the bill's provisions. In addition, CBO estimates that appropriations totaling another \$880 million over the five-year period would be necessary for those purposes.

S. 797 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 797 is shown in the following table. The costs of this legislation fall within budget functions 450 (community and regional development) and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					2010-
	2010	2011	2012	2013	2014	2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Programs with Specified Funding Levels						
Authorization Level	106	115	115	115	115	566
Estimated Outlays	53	85	102	110	115	465
Other Programs						
Estimated Authorization Level	175	176	176	177	179	883
Estimated Outlays	27	101	136	162	179	605
Total Spending Under S. 797						
Estimated Authorization Level	281	291	291	292	294	1,449
Estimated Outlays	80	186	238	272	294	1,070

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 797 will be enacted near the start of fiscal year 2010, that the necessary amounts will be appropriated each year, and that spending will follow the historical spending patterns for those or similar activities.

Programs with Specified Funding Levels

S. 797 would authorize the appropriation of \$566 million over the 2010-2014 period for BIA and DOJ programs to improve the operation of the criminal justice system on Indian lands. Specifically, the bill would authorize the appropriation of:

- \$50 million annually over the 2010-2014 period for BIA to support the development, enhancement, and operation of tribal justice systems;
- \$35 million annually over the 2010-2014 period for DOJ to make grants to Indian tribes for the construction and maintenance of detention facilities and tribal justice centers;
- \$10 million annually over the 2010-2014 period for BIA to operate emergency shelters for Indian youth who abuse alcohol or illegal substances;
- \$10 million annually over the 2011-2015 period for DOJ to make grants to Indian tribes to improve public safety in Alaska Native villages; and

- A total of \$10 million annually over the 2010-2014 period for other BIA programs to enhance tribal law enforcement, combat substance abuse on Indian lands, and support tribal courts.

Other Programs

S. 797 also would authorize the appropriation of whatever sums are necessary over the 2010-2014 period for BIA and DOJ programs to support the operation of the criminal justice system on Indian lands. CBO estimates that appropriations for those purposes would total \$883 million. We estimate that, in total, implementing those programs would cost \$605 million over the 2010-2014 period.

Specifically, the bill would authorize appropriations for DOJ to make grants to:

- State, local, and tribal governments for programs to prevent juvenile delinquency and assist juvenile offenders (in 2009, about \$62 million was appropriated for this program);
- Tribes to hire and equip law enforcement officers (in 2009, about \$20 million was appropriated for this program); and
- Tribes to support tribal courts and legal assistance programs (in 2009, about \$9 million was appropriated for this program).

CBO estimates that continuing those programs at the current level and adjusting for anticipated inflation over the 2010-2014 period would cost \$286 million over the five-year period.

Section 401 would authorize appropriations for BIA to construct emergency shelters, half-way houses, and juvenile detention facilities for tribal youth. According to BIA, construction costs for similar facilities on Indian lands average about \$10 million per project. Based on information from BIA regarding the demand for such facilities in Indian country, CBO estimates that this provision would cost \$227 million over the 2010-2014 period.

Section 202 would authorize appropriations for DOJ to make grants and provide other assistance to state, local, and tribal governments for cooperative programs to reduce crime in Indian country and nearby communities. Based on funding levels in recent years for similar cooperative programs, CBO estimates that this provision would cost \$34 million over the 2010-2014 period.

There are several other provisions in the bill that authorize the necessary sums over the 2010-2014 period for certain BIA programs. CBO estimates that a program to train tribal law enforcement and judicial personnel to address matters related to substance abuse and illegal narcotics would cost about \$5 million a year. In addition, we estimate that a program to combat the trafficking of illegal narcotics on Indian lands along the northern and southern borders would cost about \$3 million a year. Finally, we estimate that several other programs aimed at reducing substance abuse and eliminating illegal narcotics in Indian country would cost a total of \$4 million annually. In total, CBO estimates that implementing those provisions would cost \$58 million over the five-year period.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 797 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Tribal governments would benefit from the authorization of appropriations for law enforcement and criminal justice activities. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

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