

#### Introduction

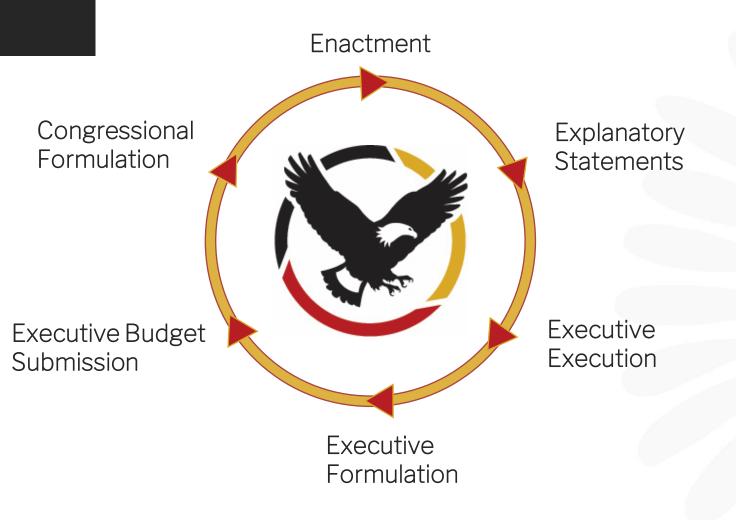


# Tyler Dean Scribner

Policy Lead – Federal Revenue & Appropriations National Congress of American Indians

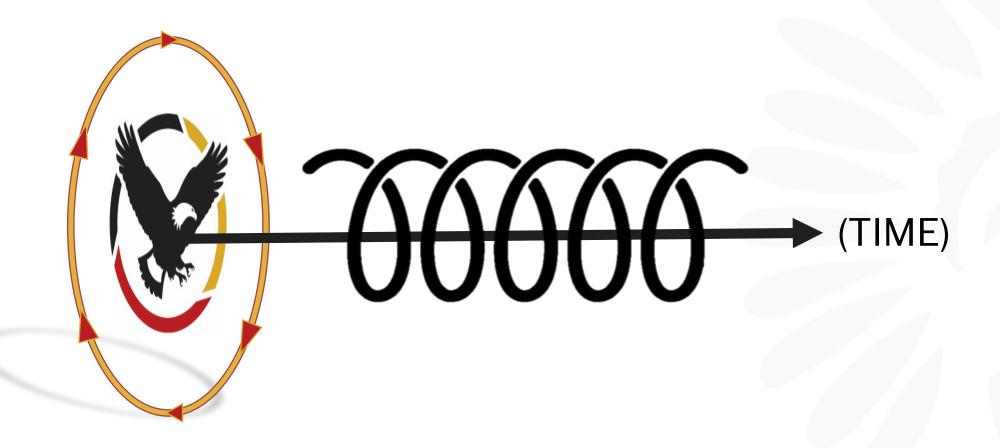


# Agenda



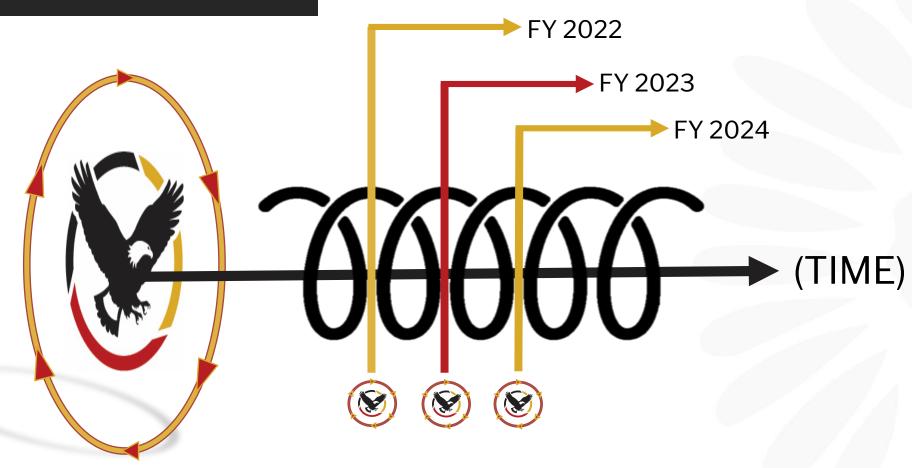


What year is it, again?



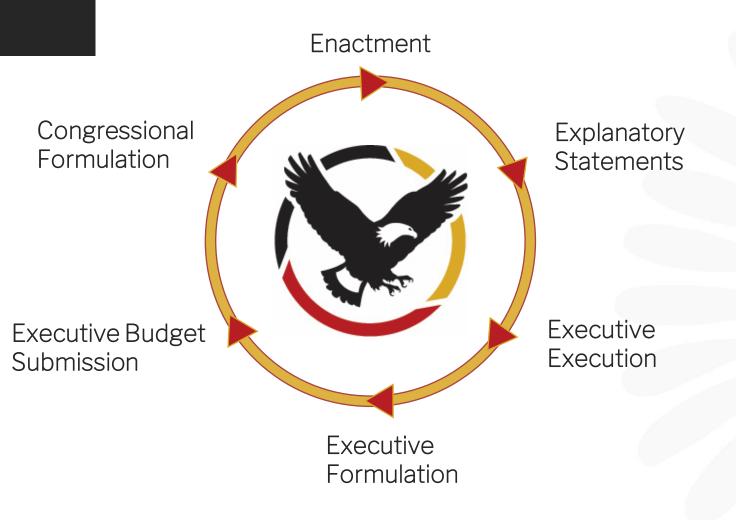


#### What year is it, again?





# Agenda





#### Overview of the Federal Budget Process

# Legislative Branch

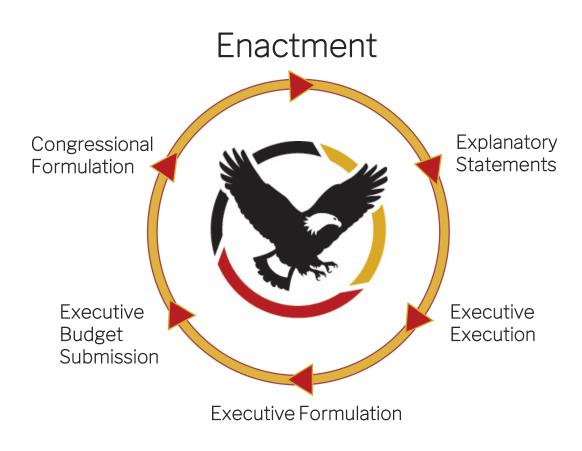
Congressional Formulation



**Explanatory** Statements



#### In Case of Business as Usual ...

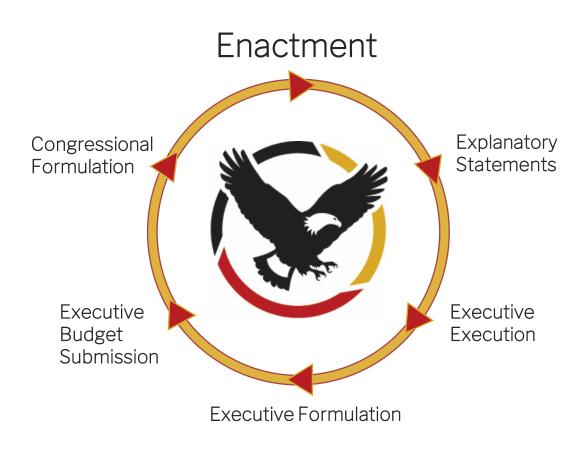


#### **Continuing Resolutions:**

- The federal government begins its fiscal year on October 1.
- However, only four times in the last 40 years has an annual budget been enacted on time.
- A Continuing Resolution (CR) funds the federal government for part of the year at the prior year's enacted amounts, with certain exceptions.
- If a CR is expected, the Office of the President often sends over a list of requested "anomalies" to Congress that change the duration, amount, or purpose of funds under a CR.
- Ultimately, Congress has the power of the purse, but it is best to be on the anomalies list AND tell Congress why the spending anomaly is necessary.



#### Full-Year Funding



#### Regular Appropriations:

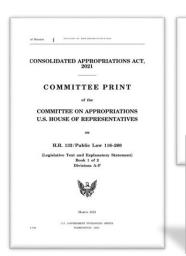
- Enactment of full-year funding means that the regular appropriations bill funding a particular agency or agencies has been signed into law by the President.
- Full-year funding can refer to all of government, meaning the 12 regular appropriations bills; or, it can refer to full-year funding for a particular or set of agencies.
- Omnibus vs. Minibus vs. Stand-Alone Bill: An omnibus has rolled all 12 regular appropriations bills into one spending bill. A Minibus is a bill with more than one, but less than 12 regular appropriations bills rolled into one. A stand-alone bill is a single regular appropriations bill.



#### The Thoughts Behind the Billions

# **Explanatory Statements** Executive Enactment Execution Executive Congressional Formulation Formulation **Executive Budget** Submission

- Appropriations law text doesn't typically break out specific program account details.
- Appropriations Committee reports and accompanying explanatory statements provide specific detail on funding for accounts, as well as guidance and directives.
- Use Appropriations or Conference Committee reports to track spending and agency directives from Congress to hold the Executive Branch accountable.



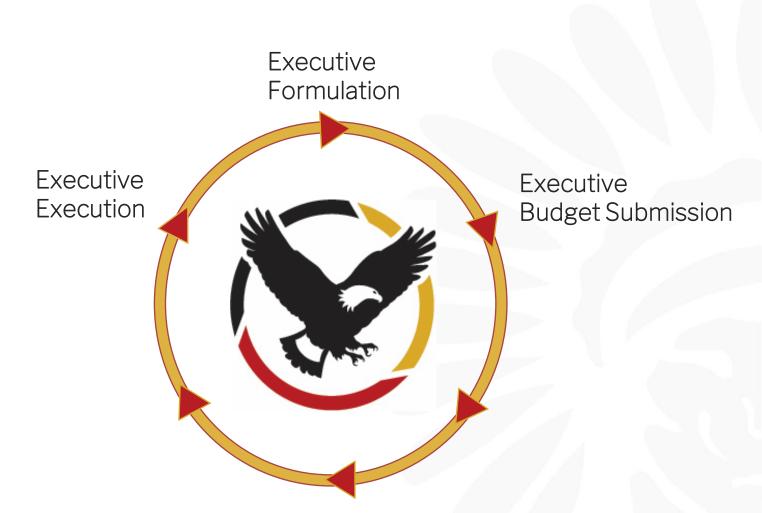
# INDIAN HEALTH SERVICE INDIAN HEALTH SERVICES The bill provides a total of \$6,236,279,000 for the Indian Health Service (IHS), of which \$4,301,391,000 is for the Services accounts detailed below. This reflects the transfer of 105(1) Tribal least payments to the new indefinite appropriations account and the relistribution of current services funds provided in fiscal year 2018

	FY 2020 Enacted	FY 2021 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
anitation facilities construction	193,577 259,290 261,983 28,087	192,931 124,918 259,763 23,895	196,577 259,290 263,982 29,087	+3,000 +1,999 +1,000	+3,646 +134,372 +4,219 +5,192
Total, Indian Health Facilities	911,889	769,455	917,888	+5,999	+148,433
TOTAL, INDIAN HEALTH SERVICE	6,047,094	6,293,568	6,236,279	+189,185	-57,289



#### Overview of the Federal Budget Process

# Executive Branch





#### In Case of Business as Usual ...



Formulation

#### **Continuing Resolutions:**

- Once funds are enacted, the Office of Management and Budget (OMB) will "apportion," or divide, amounts made available.
- Usually, CRs do not appropriate specific sums of money. Instead, they provide formulas for calculating amounts for continuing programs as minimal levels.
- In the event that partial-year funding is enacted and no spending anomalies are included, certain Indian Affairs and Indian Health Service Accounts have received Exception Apportionment in recent years.
- Exceptions to apportionment can provide funding for a longer duration than under an existing CR, insulating Tribal Nations from the outsized effects of funding disruptions and partial-year payments.



#### In Case of Business as Usual ...

# **Executive Execution** Executive Explanatory Formulation Statements **Executive Budget** Enactment Submission Congressional Formulation

#### **Continuing Resolutions:**

- Exception Apportionment may be requested by the agency in a letter to OMB.
- When might Exception Apportionment be granted?
  - <u>Seasonality</u>: When a program experiences regular and predictable changes in the rate of obligations throughout the year (Ex., Low-Income Housing Energy Assistance Program)
  - <u>Safety of Human Life and Federal Property</u>: When the obligation could legally be incurred under the Antideficiency Act during a Government-wide lapse of appropriations.
  - Annualizing a New Program: When a new program began late in the previous fiscal year and the partial-year funding level would not fund the program at rates for operations in the current year.



#### You Get What you Put In



- The Executive Branch's budget execution phase is an ongoing process, but can be thought of as "beginning" when Congress enacts funds to spend on operations.
- Federal budgets are formulated using data collected during budget execution.
- In order to position information to guide the Executive Branch in its budget formulation, engage federal agencies to consult Tribal Nations on data solutions during the budget execution phase of program operations.
- Positioning the Executive Branch to collect meaningful data during operations will limit the data collection burden on Tribal Nations by utilizing existing procedures.
- NCAI's budget data solutions seek to promote government-to-government trust and tribal data sovereignty.



#### The President Proposes



- Each year, the President submits a budget to Congress, providing a statement of policy priorities and a unified plan for the allocation of federal budgetary resources.
- While not legally binding, the President's budget initiates the congressional budget process and provides Congress with recommended spending levels for agency programs, projects, and activities funded through the annual appropriations acts.
- Engage the Administration across federal agencies during formulation of the President's budget to advocate for policy and budgets that improve Tribal programs.



#### Overview of the Federal Budget Process

#### What is the President's Budget?

- The President's budget submission reflects the President's priorities and offers a set of recommendations regarding federal programs, projects, and activities and any proposed changes to revenue and mandatory spending laws.
- In most years, the budget is submitted as a multi-volume set consisting of a main document setting forth the President's message to Congress and an analysis and justification of his major proposals.
- Agencies prepare additional materials, frequently referred to as congressional budget justifications.







#### Overview of the Federal Budget Process

#### **Executive Formulation**

- Winter/Spring: Engage the Administration and agencies prior to OMB issuance of budget planning guidance to position for strong President's Budget Requests.
- Spring/Summer: Issuance of the OMB guidance moves the formulation action to Agencies until the September submission to OMB.
- Summer/Fall: Engage the White House and OMB ahead of November/December Passback.

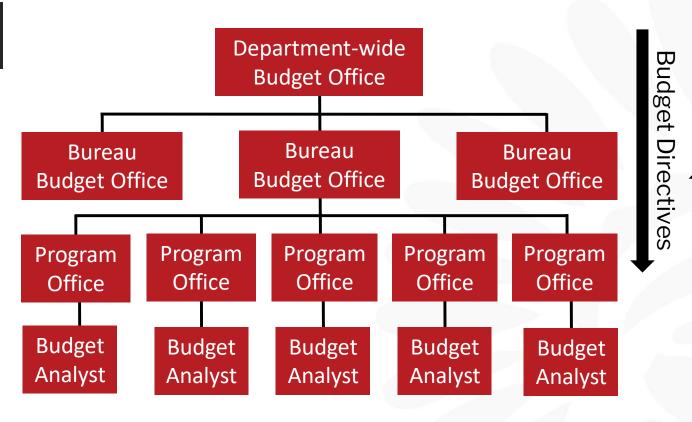
Table 2. The Executive Budget Process Timetable for a Typical, Single Fiscal Year

Dates	Activities				
Calendar Year Prior to the Year in Which Fiscal Year Begins	Development of the President's Budget Proposal				
Spring	OMB issues budget planning guidance to executive agencies for the fiscal year that begins in approximately 18 months (on October 1).				
Spring and Summer	All agencies begin development of budget requests.				
Summer	OMB issues annual update to Circular A-II, providing detailed instructions for submitting budget data and material for executive agency budget requests.				
September	Executive agencies submit initial budget requests to OMB, typically by the deadline set in OMB's budget planning guidance. <sup>a</sup>				
October-November	OMB staff review executive agency budget requests in relation to President's priorities, program performance, budget constraints, and other criteria.				
November-December	President, based on recommendations by the OMB director, makes decisions on executive agency requests. OMB informs executive agencies of decisions, a practice commonly referred to as OMB "passback."				
December	Executive agencies may appeal these decisions to the OMB director and in some cases directly to the President.				



#### A Bit on Bureaucracy

- A typical federal agency will have several entities you might know as the "budget office."
- Agency budget offices coordinate input from each of the bureaus (or similar office) that often have their own budget office.
- Bureau budget offices work with programmatic offices and their budget analysts to develop the draft President's Budget.
- Engage budget offices on directives, and program offices on submissions.

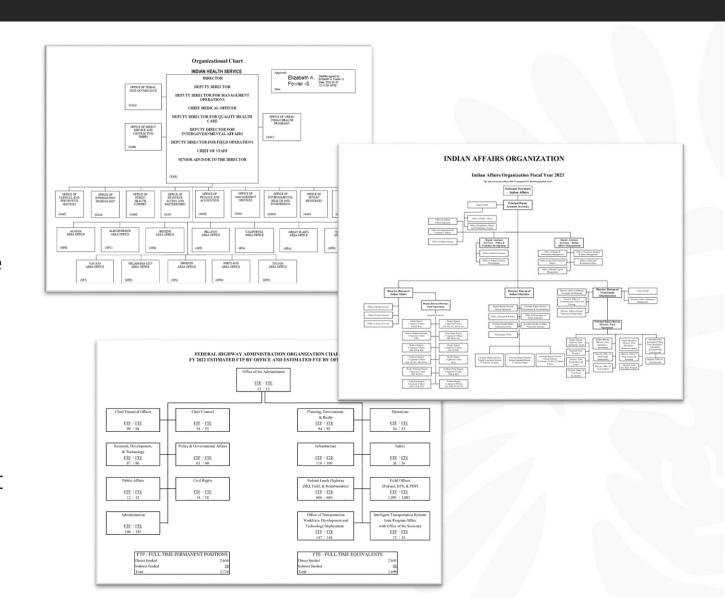


This diagram is a simplified example to show how information flows and does not reflect a specific federal agency.



#### Who's in Charge Around Here?

- Federal Agencies publish their organizational charts in their detailed congressional budget justifications.
- Note: Organizational charts can differ from the organization of appropriated accounts provided by Congress.
- Think of Organizational charts as the publicfacing entity that administers the programs with the funds they receive, and <u>NOT</u> the name of the funded account.
- However, sometimes, the Organizational Chart and appropriated accounts have the same name.





#### Overview of the Federal Budget Process

#### Executive Formulation

- As each agency approaches the September submission deadline, the ability to make changes decreases, and the budget action is moving back to OMB and the White House.
- During the fall, OMB reviews each agency submission in relation to the President's priorities.
- Shortly before September, transition your budget advocacy back to the Office of the President/OMB.
- The President informs each agency of decisions and changes as part of "Passback."

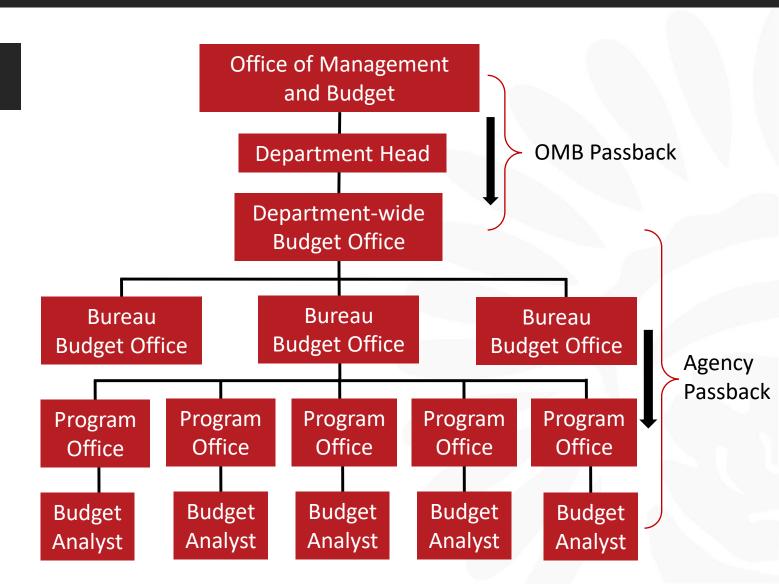
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December	Executive agencies may appeal these decisions to the OMB director and in some cases directly to the President.				



#### A Bit on Passback

- Sometimes agencies will refer to passback as the OMB Passback, and sometimes agencies will refer to internal budget office Passbacks.
- Similar concept, different players, different timing.
- Recall our discussion on budget office bureaucracy – each step goes through an exchange of directives and submissions.
- Most likely, you would hear about "agency Passback" in addition to OMB Passback. This nuance is important because it shows who's in charge, when.





#### Executive Budget Submission

- Submission of the President's Budget Request to Congress begins the Congressional Formulation Process, but note the Administration's continued involvement.
- Engage the agencies to advocate for inclusion of tribal priorities in their testimony to Congress on the Budget.
- Simultaneously, engage Congressional appropriators to ask agency officials tribal funding questions during hearings and for the record.

Table 2. The Executive Budget Process Timetable for a Typical, Single Fiscal Year

Dates	Activities				
Calendar Year in Which Fiscal Year Begins	Submission and Justification of the President's Budget Proposal				
By first Monday in February	President submits consolidated budget proposal to Congress.				
February-September	Administration and agency officials interact with Congress, justifying and explaining the President's budget proposal and agencies' budget requests.				
On or before July 15	President submits mid-session review to Congress.				
August 21 (or within 10 days after approval of a spending bill)	Executive agencies submit apportionment requests to OMB for each budget account.				
September 10 (or within 30 days after approval of a spending bill)	OMB apportions available funds to executive agencies by time period, program, project, or activity.				
Calendar Years in Which Fiscal Year Begins and Ends	Execution of Appropriations and Other Budgetary Legislation				
October I	Fiscal year begins.				
October-September	Agencies make allotments, obligate funds, conduct activities, and may request supplemental appropriations, if necessary. President may propose supplemental appropriations and impoundments (i.e., deferrals or rescissions) to Congress.				
September 30	Fiscal year ends.				
	12(0), 5575-77(0)25-0-70(0) (0) (0) (0) (0) (0) (0) (0) (0) (0)				



#### Overview of the Federal Budget Process

# Legislative Branch

Congressional Formulation



**Explanatory** Statements



#### Overview of the Federal Budget Process

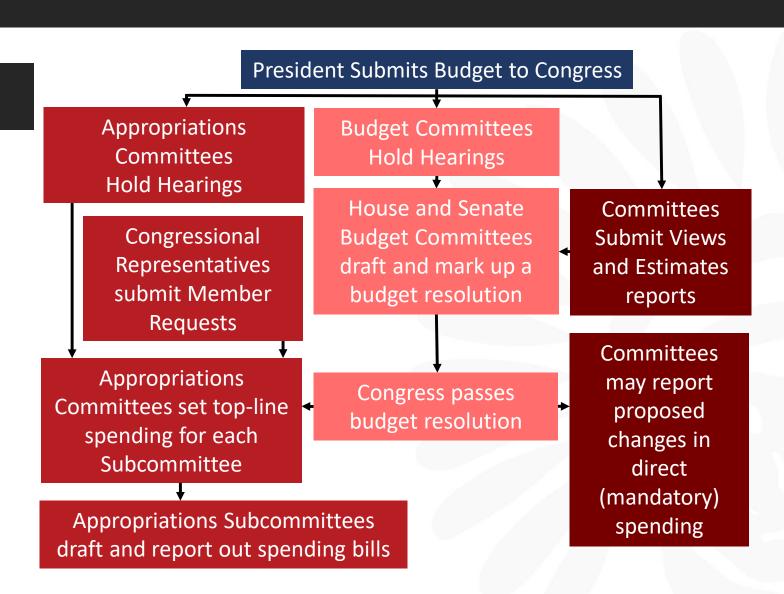
- As soon as Congressional Budget formulation begins, the action is on three Congressional fronts.
- Each chamber's authorizing committees submit "views and estimates" on expenditures and receipts within their jurisdiction.
- Each chamber's Budget Committee holds hearings and begins to draft and mark up a budget resolution.
- Each chamber's Appropriations
   Committee holds hearings and
   receives testimony and input on the
   budget.

Table 1. Congressional Budget Process Timetable

On or before:	Action to be Completed						
First Monday in February	President submits his budget.						
February 15	Congressional Budget Office submits report [on the economic and budget outlook] to Budget Committees.						
Not later than 6 weeks after President submits budget	Committees submit views and estimates to Budget Committees.						
April I	Senate Budget Committee reports concurrent resolution on the budget.						
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June 10	House Appropriations Committee reports last annual appropriation bill.						
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June 30	House completes action on annual appropriations bills.						
October I	Fiscal year begins.						

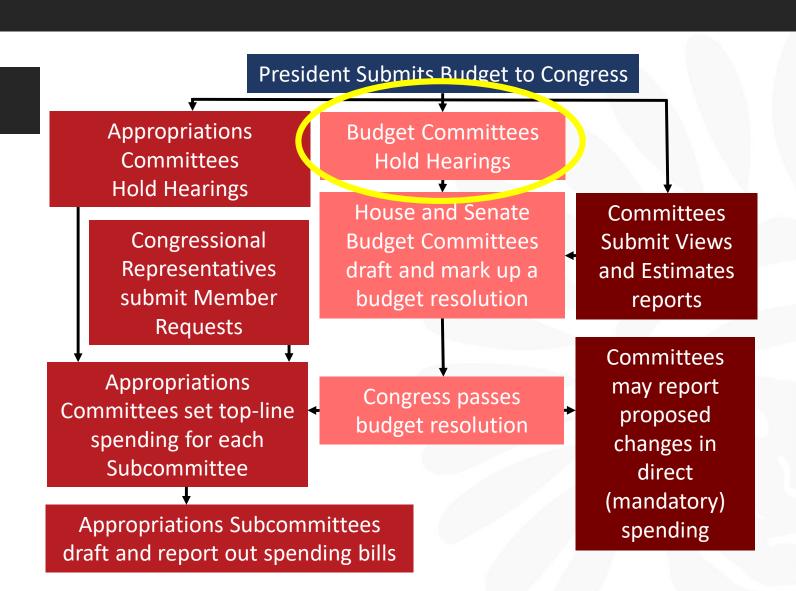


- Over the next several slides, we will discuss this diagram, highlighting specific process and actions where you can engage in the formulation process.
- Notice which direction the arrows point and when there are no arrows.
- Notice the four color groups in this diagram: the President, Appropriations Committees, Budget Committees, and other Committees.
- Last, notice the diagram stops once spending bills are reported out of committee. This is not the end of the process, just the end of the diagram.



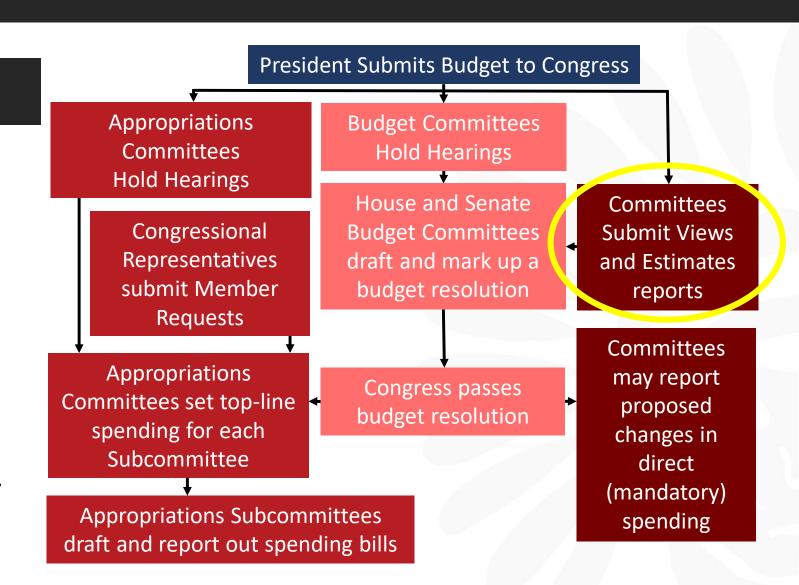


- Budget Committees set revenue, spending and other budgetary targets through Budget Resolutions.
- Additionally, Budget Resolutions typically contain a prohibition on advance appropriations, followed by a list of excepted accounts.
- Engage the Budget Committee to promote spending, revenue, and budgetary targets.
- Engage the Executive Branch on testimony and the Committee to ask questions of witnesses.



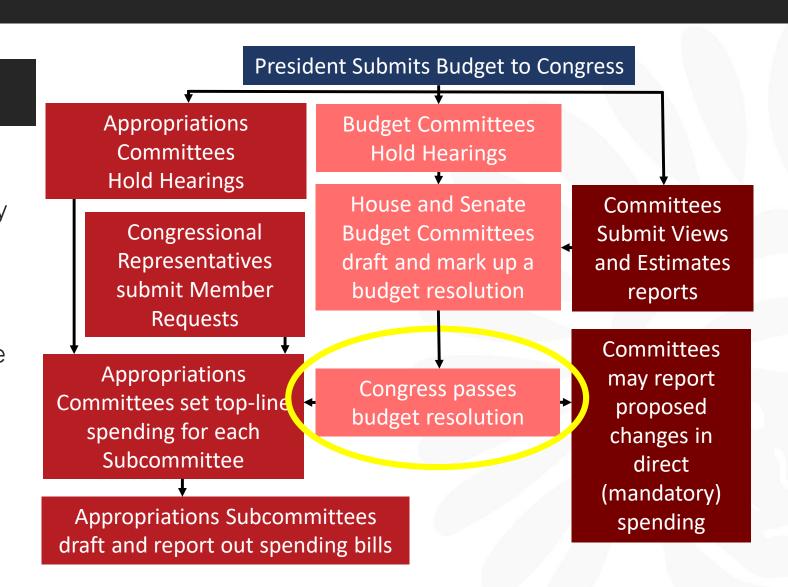


- Committees provide the Budget Committee "Views and Estimates" reports with the preferences and legislative plans of congressional committees regarding budgetary matters within their jurisdiction.
- Engage Committee professional staff and Committee member personal offices to include tribal programs in their report.
- Simply put, you have to be in it to win it.
   The Budget Resolution sets the stage for the next legislative action.





- Ultimately, Congress must pass a budget resolution or use other authority to establish enforceable budget amounts so that Appropriations Committees can split the top line "302(a)" allocation into each Appropriation Subcommittee's top-line "302(b)" allocations.
- However, even before a budget resolution is passed, Appropriations Committees begin their work receiving input on annual spending within their jurisdiction.





#### A Bit on Committees

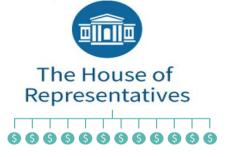
- The Budget Committees and Appropriations Committees are separate committees with separate, but related, functions.
- The House Ways and Means and Senate Finance Committees may report revenue legislation consistent with a budget resolution, separate from Appropriators.
- The Appropriations Committees in each chamber are divided into twelve (12) subcommittees.



#### Congress



A Concurrent Budget Resolution or substitute authority sets topline spending called the "302(a)" allocation.





The Senate

Top-line spending for each Appropriations
Subcommittee are called "302(b)" allocations.



#### A Bit on Committees

- Each chamber of Congress has similarly titled appropriations subcommittees, with mostly similar jurisdictions (you're viewing the House Appropriations Subcommittees).
- 302(b) allocations, setting top-line spending for each subcommittee, are not always the same between chambers.
- By long-standing custom, appropriations measures originate in the House of Representatives.
- This means that you will almost always get your first glimpse at proposed spending from the House.

#### **Appropriations Subcommittees**





















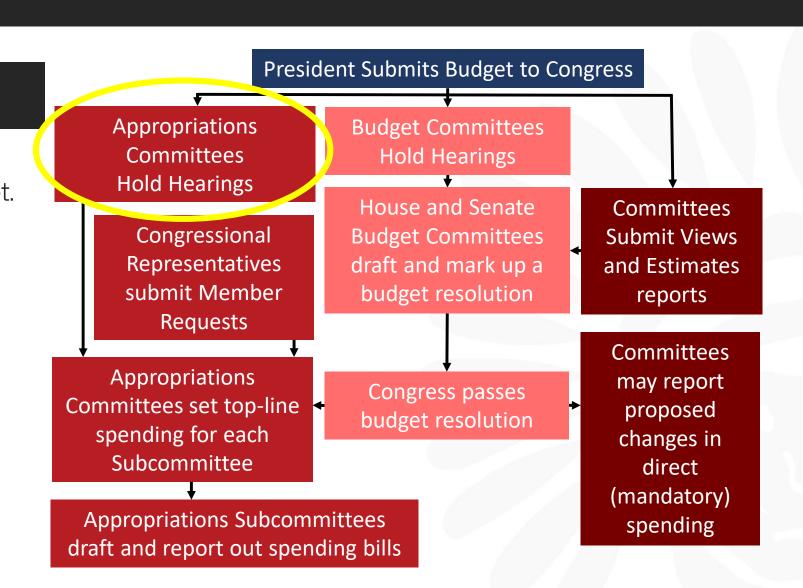




https://appropriations.house.gov/



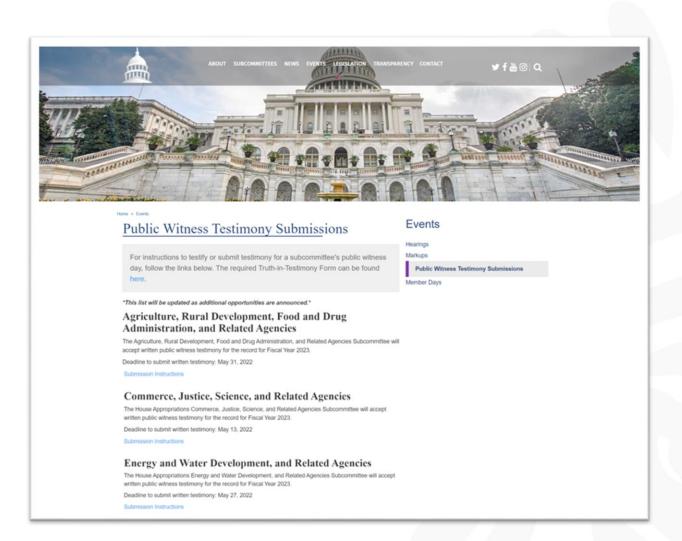
- Appropriations Subcommittees hold hearings to receive input on the budget.
- Rules for input/testimony vary.
- Recall that during this time, political appointees of the Executive Branch are also testifying on the budget.
- Engage Congressional members to pose questions during hearings and witnesses to speak on tribal programs.
- Anyone can submit testimony for all subcommittees that request public testimony.





#### Testimony Deadlines

- You can find the public witness testimony instructions on the House and Senate Appropriations Committees respective websites.
- For the House, deadlines and submission instructions are typically listed on one single page under "events," called "Public Witness Testimony Instructions."
- https://appropriations.house.gov/

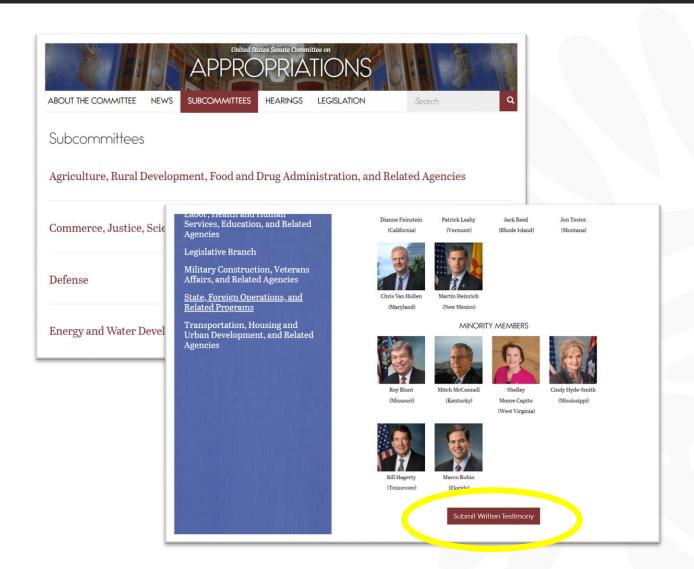




#### Overview of the Federal Budget Process

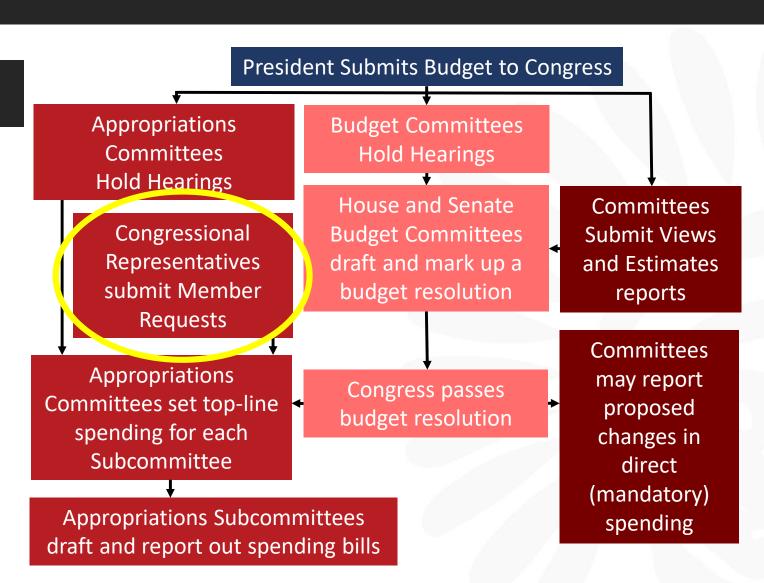
#### Testimony Deadlines

- To find Senate Appropriations
   Committee Public Witness Testimony
   deadlines and instructions, you must
   click into each subcommittee, then
   scroll below the list of subcommittee
   membership and click the "Submit
   Written Testimony" button.
- Unfortunately, the Senate doesn't always tell the public when deadlines are posted, so you have to check regularly.
- https://www.appropriations.senate.gov/



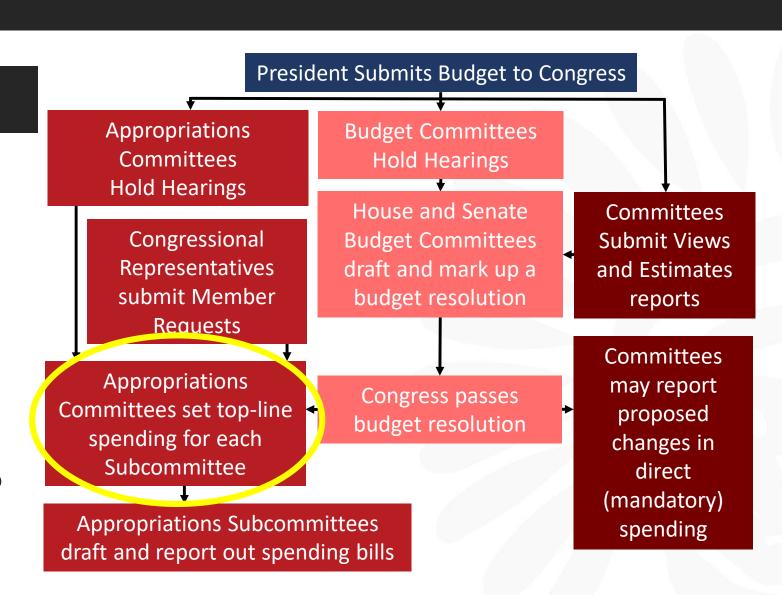


- Each individual member of Congress may submit member requests on spending priorities, including the recent re-adoption of "earmarks."
- Appropriations Committees set the guidelines and deadlines for member requests.
- Most Congressional representatives will have a form for submitting appropriations requests.
- Contact your representatives on member requests because representatives often choose based on constituency comment.



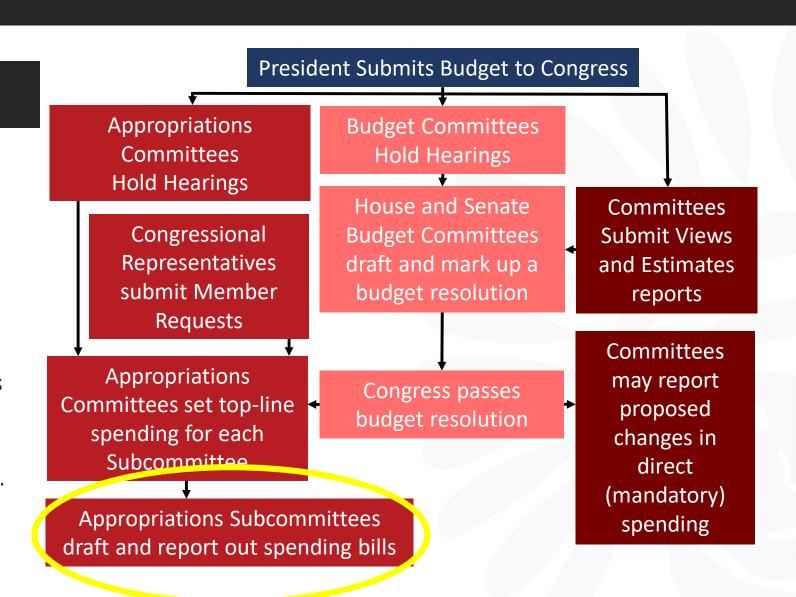


- Recall that the 302(b) allocations (spending caps) for each subcommittee can vary between chambers.
- Sometimes they are kept secret; and other times, Appropriations Committees will report out spending bills without approved 302(b) allocations.
- Engage each Appropriations
   Committee and Chamber leadership to
   promote strong 302(b) allocations for
   subcommittees with jurisdiction over
   tribal programs.



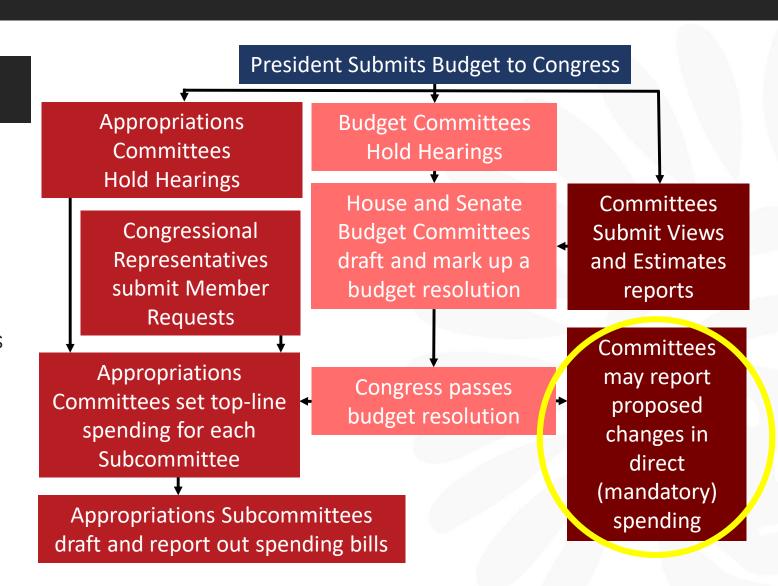


- Appropriations Committees hold markup meetings where members of the committee consider possible changes to the proposal and ultimately whether to report the bill out of Committee.
- Engage subcommittee members in support of provisions and amendments consistent with your mission.
- Ultimately, the House and Senate must pass identical legislation for enactment.
- Engage both chambers to maximize tribal spending in the final bill.





- Some Tribal program spending is outside of the jurisdiction of Appropriations Committees.
- Mechanisms that provide funding vary from program to program, but the strategy is straight-forward.
- Identify the authorizing law that controls spending for a particular program, and match that authority to an authorizing committee of jurisdiction in Congress.
- Identifying and separating these authorities improves advocacy by targeting your requests to those with the authority to act.





#### Overview of the Federal Budget Process

- As appropriations bills are reported out of Committee and move to the floor for a vote by each chamber, the ability to make changes or preserve provisions is largely in the hands of chamber leadership and any parties negotiating a deal between chambers.
- Engage chamber leadership on provisions or changes that are at risk or imminent.
- Ultimately, Congress passes appropriations or goes into a government shutdown.

Table 1. Congressional Budget Process Timetable

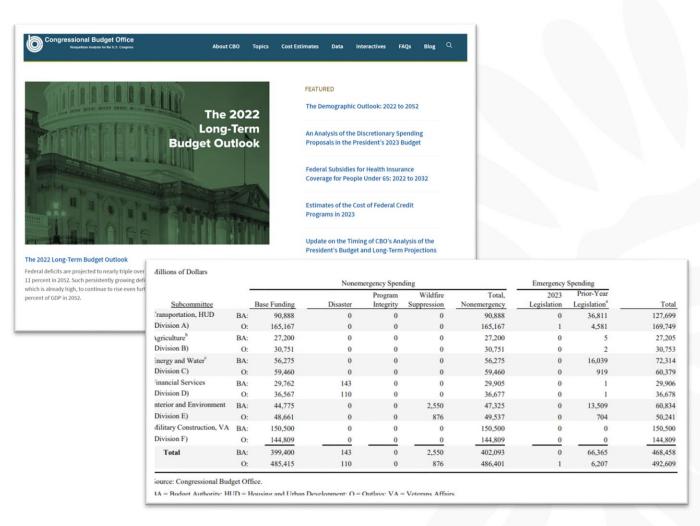
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October I	Fiscal year begins.					





#### So, Who's Keeping Score?

- The Congressional Budget Office prepares estimates of the budgetary effects of legislation, including both spending and revenue effects.
- The Budget Committees in each chamber act as official scorekeepers by providing the presiding officers in their respective chambers with the estimates needed to make decisions about points of order enforcing budgetary parameters.
- The Budget Committees also make periodic summary scorekeeping reports that are placed in the Congressional Record.

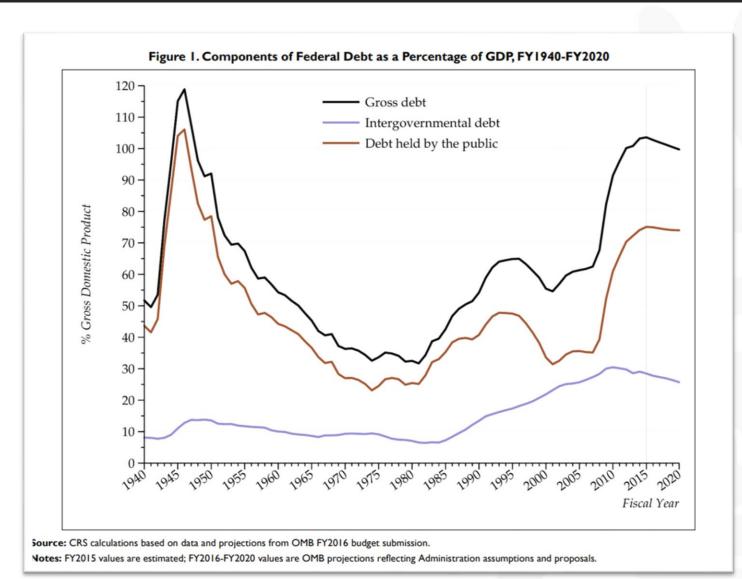




#### Overview of the Federal Budget Process

#### The Debt Ceiling/Limit

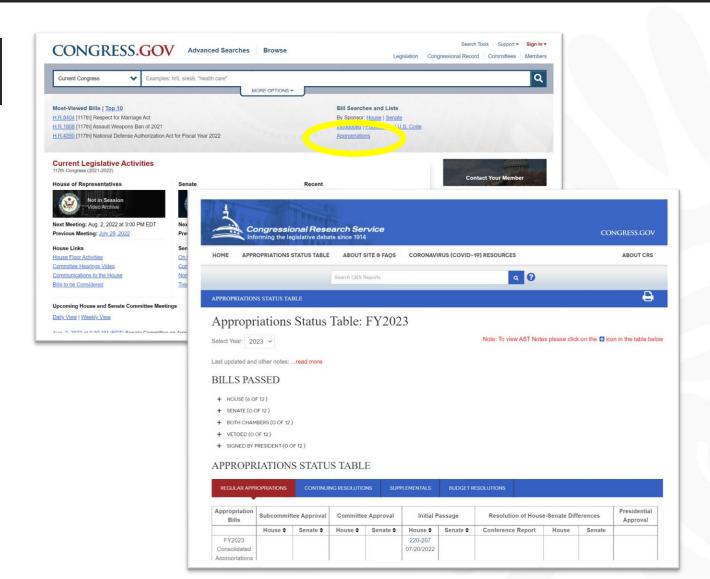
- When the receipts collected by the federal government are not sufficient to cover expenditures, it is necessary for the Treasury to finance the shortfall.
- Federal borrowing is subject to a statutory limit on public debt (referred to as the debt limit or debt ceiling).
- Legislation to raise the public debt limit falls under the jurisdiction of the House Ways and Means Committee and the Senate Finance Committee.
- In recent years, Congress has chosen to suspend the debt limit for a set amount of time instead of raising the debt limit by a fixed dollar amount.





#### How Can I Keep Track?

- The Library of Congress maintains electronic files on Congressional Activity.
- The Congressional Research Service (CRS) maintains a special webpage where you can track budget resolutions and appropriations for the current year and for past years.
- CRS also has an extreme wealth of educational materials on tribal programs and Federal Indian law.
- https://crsreports.congress.gov/Appro priationsStatusTable?id=2023





#### How Can I Keep Track?

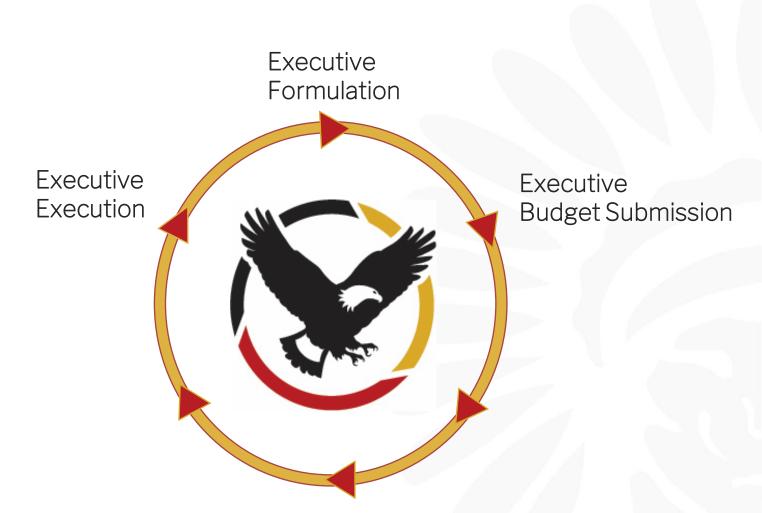
- On the CRS Appropriations Tracker webpage, you can see information for the House and Senate Appropriations Committees, including when the bill was introduce and passed out of Committee or Congressional Chamber, or enacted by Congress.
- You can also view explanatory statements and committee reports associated with each Appropriations Subcommittee's jurisdiction.
- https://crsreports.congress.gov/Appro priationsStatusTable?id=2023

Appropriation Bills Subcommittee Appr		tee Approval	Committee Approval		Initial Passage		Resolution of House-Senate Differences			Presidential Approval
	House \$	Senate \$	House \$	Senate \$	House \$	Senate \$	Conference Report	House	Senate	
Agriculture	(voice vote)	(voice vote)	(voice vote)	25-5	See H.R.		See H.R. 2471			
H.R. 4356	06/25/2021	08/02/2021	06/30/2021	08/04/2021	4502		Consolidated (Div. A)			
S. 2599			H. Rept. 117-	S. Rept. 117-	Consolidated		See also (+) note			
			82	34	entry above.					
Notes										
Commerce-	(voice vote)		33-26		Special Rule		See H.R. 2471			
Justice-Science	07/12/2021		07/15/2021		H. Res. 567		Consolidated (Div. B)			
H.R. 4505			H. Rept. 117-				See also (+) note			
S. 3042			97							
See (+) note										
■ Notes										
Defense	(voice vote)		33-23				See H.R. 2471			
H.R. 4432	06/30/2021		07/13/2021				Consolidated (Div. C)			
S. 3023			H. Rept. 117-				See also (+) note			
See (+) Note			88							
■ Notes										
Energy-Water	(voice vote)		33-24	25-5	See H.R.		See H.R. 2471			
H.R.4549	07/12/2021		07/16/2021	08/04/2021	4502		Consolidated (Div. D)			
S. 2605			H. Rept. 117-	S. Rept. 117-	Consolidated		See also (+) note			
			98	36	entry above.					
■ Notes										
Financial	(voice vote)		33-24		See H.R.		See H.R. 2471			
Services	06/24/2021		06/29/2021		4502		Consolidated (Div. E)			
H.R. 4345			H. Rept. 117-		Consolidated		See also (+) note			
S. 3179			79		entry above.					
See (+) note										
■ Notes										
Homeland	(voice vote)		33-24				See H.R. 2471			
Security	06/30/2021		07/13/2021				Consolidated (Div. F)			
H.R. 4431			H. Rept. 117-				See also (+) note			
S. 3058			87							
See (+) note										



#### Overview of the Federal Budget Process

# Executive Branch





#### Back Around to Execution

- While a full-year budget is hardly ever enacted on time, the fiscal year begins on October 1, and budget execution for that period begins.
- Throughout budget execution, engage the Administration, agencies, and Congress to address ongoing or emerging policy issues that affect the budget.
- NCAI promotes the establishment of tribal advisory committees to collaborate on budget and policy at each agency that takes actions subject to <u>Executive Order 13175</u>.

Table 2. The Executive Budget Process Timetable for a Typical, Single Fiscal Year

Dates	Activities				
Calendar Year in Which Fiscal Year Begins	Submission and Justification of the President's Budget Proposal				
By first Monday in February	President submits consolidated budget proposal to Congress.				
February-September	Administration and agency officials interact with Congress, justifying and explaining the President's budget proposal and agencies' budget requests.				
On or before July 15	President submits mid-session review to Congress.				
August 21 (or within 10 days after approval of a spending bill)	Executive agencies submit apportionment requests to OMB for each budget account.				
September 10 (or within 30 days after approval of a spending bill)	OMB apportions available funds to executive agencies by time period, program, project, or activity.				
Calendar Years in Which Fiscal Year Begins and Ends	Execution of Appropriations and Other Budgetary Legislation				
October I	Fiscal year begins.				
October-September	Agencies make allotments, obligate funds, conduct activities, and may request supplemental appropriations, if necessary. President may propose supplemental appropriations and impoundments (i.e., deferrals or rescissions) to Congress.				
September 30	Fiscal year ends.				



#### Overview of the Federal Budget Process

#### Federal Resources

- Introduction to the Federal Budget Process
- Principles of Federal Appropriations Law,
   Chapter 2: The Legal Framework
- A Glossary of Terms Used in the Federal Budget Process
- Authorizations and the Appropriations Process
- Appropriations Report Language
- Conference Reports and Joint Explanatory Statements
- <u>Budget Reconciliation Process, Stages of Consideration</u>
- Overview of the Congressional Budget Process
- Transfers and Reprogramming of Appropriations

- Library of Congress' Appropriations Status Table
- Overview of the Executive Budget Process
- <u>Executive Budget Process Timetable</u>
- https://appropriations.house.gov/
- https://www.appropriations.senate.gov/
- https://budget.house.gov/
- https://www.budget.senate.gov/
- <u>Dynamic Scoring in the Congressional Budget</u>
   Process
- An Introduction to the Congressional Budget Office
- Congressional Budget Office Description of Products
- The Debt Limit: History and Recent Increases





# Tyler Scribner, Policy Lead – Federal Revenue and Appropriations tscribner@NCAI.org