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PERMANENT BASE FUNDING FOR TRIBAL POLICE DEPARTMENTS

A Tribal Roadmap for Fixing the BIA Base — Beyond Grants

How the 1999 Funding Freeze Still Shapes Every Tribal Police Budget —
and the Legislative & Executive Branch Path to Fixing It

An NNJI Tribal Roadmap

National Native Justice Institute | July 2026

*We don't look away from what's broken in our communities.
We also don't let what's broken speak for the whole nation.*

Contents

Executive Summary

This roadmap is about one thing: the recurring, year-after-year dollars a tribal police department receives from the Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) — its permanent base funding. It is not a grants guide. Competitive federal grants, including the Department of Justice's Coordinated Tribal Assistance Solicitation (CTAS), can fund a hiring surge, a vehicle, or a pilot program for a year or two. They cannot legally replace base funding, and by law they cannot be used to justify cutting it. A department that wins grant after grant but never repairs its base is rebuilding the same shortfall every cycle. A department that repairs its base carries the gain forward permanently.

Most tribal police departments today are still funded against a number frozen in 1999. Understanding why that number was frozen, how it has been managed since, and where it can still be corrected or increased is the foundation of any serious tribal funding strategy — and it is the subject of this roadmap.

What this roadmap covers

Section 1 — the history of Tribal Priority Allocations (TPA) and how the 1999 freeze created today's base funding baseline.

Section 2 — the case for treating BIA public safety and justice (PS&J) base funding as a permanent, mandatory obligation rather than a discretionary line item.

Section 3 — the Legislative Branch pathway: authorizing and appropriations committees, current bills, and advocacy tactics aimed specifically at the base, not at grant cycles.

Section 4 — the Executive Branch pathway: the BIA/Tribal Interior Budget Council (TIBC) process where individual tribes can request base and service-population corrections.

Section 5 — the NNJI Roadmap: a phased, tribe-level action plan.

Sections 6–8 — an annual advocacy calendar, ready-to-adapt templates, and a glossary.

Section 1 — Brief History: How the 1999 TPA Freeze Still Shapes Tribal Police Budgets Today

1.1 The 1970s: Tribal Priority Allocations as a self-determination tool

BIA began building what became the Tribal Priority Allocation (TPA) system in the early 1970s, during the rise of federal Indian self-determination policy. The idea was straightforward and, at the time, genuinely empowering: instead of Washington dictating how a tribe's federal funding was spent program by program, BIA would allocate a pool of money to each tribe and let the tribal government set its own priorities — across categories including tribal government operations, human services, education, public safety, community development, natural resources management, trust services, and general administration — in consultation with BIA. Tribes could allocate and reallocate TPA dollars across these categories as their own circumstances changed.

For public safety, this meant a tribe's law enforcement and corrections funding lived inside the same flexible pool as everything else. A tribe facing a housing crisis one year, or a health emergency the next, could shift TPA dollars toward that need — including, if necessary, shifting dollars away from policing.

1.2 The late 1990s: cracks appear in the system

By the mid-1990s, oversight bodies were raising concerns about how TPA funds were actually distributed. A 1998 GAO review found that roughly two-thirds of TPA funds — the portion BIA classified as "base funds" — were distributed largely on the basis of historical funding levels, without accounting for a tribe's changing level of need, population, or non-federal revenue. GAO's blunt conclusion, published under the title *Tribal Priority Allocations Do Not Target the Neediest Tribes*, was that the distribution method offered no guarantee that funds reached the tribes with the most pressing needs.

In 1997, Congress directed BIA to convene a workgroup examining alternative ways to distribute TPA funding based on identified tribal need. That workgroup's 1999 report reached a more cautious conclusion than reformers had hoped: it found no support among tribes for reallocating existing base funds away from any tribe, given that fewer than 10 percent of tribes had sufficient independent revenue to backfill a cut. Instead, the workgroup recommended preserving base funding levels, applying eligibility principles similar to those used for state and local governments, and establishing an appeal process for tribes affected by any future TPA policy changes.

1.3 1999: Congress freezes law enforcement and corrections funding in place

That same year, Congress took a more targeted action specifically for public safety: at Congress's direction, BIA removed law enforcement and corrections funding from the flexible TPA designation altogether. The intent was reasonable on its face — ring-fence public safety dollars so tribes could no longer redirect police and corrections funding to cover other pressing needs, ensuring the money BIA appropriated for law enforcement was actually spent on law enforcement.

The unintended consequence has defined tribal police budgets ever since: each tribe's law enforcement and corrections base funding became whatever that tribe happened to have allocated for those functions in 1999 — not what its actual public safety need was, then or now. Because the fix targeted flexibility, not adequacy, it locked in every distortion, service-population error, and historical underinvestment that existed in the system at that exact moment, and made that number the permanent floor going forward.

1.4 Since 1999: growth only at the margins

Any public safety and justice (PS&J) funding Congress has added on top of the frozen base since 1999 is distributed using a separate, needs-informed methodology that considers factors such as violent crime rates, staffing levels, service population, and calls for service. This matters, but only at the margins: the formula governs how new incremental dollars are divided among tribes each year. It does not revisit or correct any tribe's underlying 1999 base number. A department can receive a larger formula-based increment and still be funded, at its core, against a 25-year-old baseline that has never been recalculated for its current population, workload, or cost of living.

1.5 The compounding cost today

BIA's own 2021 report to Congress under the Tribal Law and Order Act (TLOA) placed the total unmet need for tribal law enforcement, detention/corrections, and tribal court programs at roughly \$3.5 billion — a figure larger than BIA's entire annual budget. Congress has narrowed that gap only slowly: PS&J appropriations rose from about \$434 million in FY2020 to about \$556 million in FY2024, an increase of roughly 22% that still left the program funded far below documented need.

Tribal leaders continue to testify that the frozen-base structure produces specific, correctable harms today. In March 2026 testimony before the House Interior-Environment Appropriations Subcommittee, the President of the Oglala Sioux Tribe described the Tribe's public safety crisis as stemming in large part from an inaccurate BIA-assigned service population and an improperly calculated law enforcement base allocation — meaning that even a welcome year-over-year increase in the national PS&J total translates into a negligible gain once divided across the roughly 200-plus tribal law enforcement programs still funded against their own frozen 1999 baselines.

Why this history matters to your advocacy

"Fix my base" and "give me more money" are different asks. A base correction — recalculating a tribe's frozen 1999 allocation using an accurate current service population and workload — is a narrower, more defensible request than an open-ended funding increase, and it does not depend on winning a competitive process.

The 1999 freeze was a policy choice, not a law of nature. What Congress and BIA did in 1999 to solve one problem (funding leakage), they can revisit to solve today's problem (frozen, outdated baselines) — the mechanism for doing so is described in Sections 3 and 4.

A tribe that has never asked BIA to verify its base allocation and service-population figure is very likely leaving money on the table that has nothing to do with grant competitions.

Section 2 — The Case for Making Base Funding Permanent and Adequate

2.1 Two different problems, two different fixes

There are really two distinct base-funding problems, and a tribe's strategy should name which one it is fighting:

- Problem A — my base number itself is wrong. This is a correction: your 1999 baseline was miscalculated, or your BIA service-population figure has been wrong for years, understating your true need. The remedy runs through BIA's budget formulation process (Section 4).
- Problem B — my base number was once right, but the national PS&J appropriation has never grown enough to keep pace with population, crime trends, and inflation across all tribes. The remedy runs through Congress — both authorizing changes and appropriations levels (Section 3).

2.2 A precedent worth citing: Contract Support Costs went mandatory

Tribal advocates do not have to invent a theory for converting a chronically underfunded, discretionary BIA obligation into a permanent, mandatory one — it has already happened once. Contract Support Costs (the funding tribes need to administer federal programs they have contracted or compacted under P.L. 93-638) were historically discretionary and subject to the same annual appropriations uncertainty as PS&J funding. Interior's own FY2025 budget materials proposed reclassifying Tribal Contract Support Costs from discretionary to mandatory funding beginning in FY2026, specifically because chronic underfunding of a legally required trust obligation is bad governance. Public safety and justice base funding rests on the same trust and treaty foundation. NNJI's position is that PS&J base funding deserves the identical treatment: a permanent, mandatory funding designation rather than an annual discretionary fight.

2.3 A precedent worth citing: DOJ has proposed integrating and stabilizing funding, too

DOJ's own Tribal Consultation Framing Paper on Tribal Public Safety and Criminal Justice Funding has floated a statute modeled on Public Law 477 that would let a tribe integrate multiple federal public-safety funding streams into a single, DOJ-approved plan — and separately has floated advocating directly for increased base funding for public safety and justice programs rather than relying on the competitive grant system. Both ideas reinforce the same point this roadmap makes: even federal agencies recognize that a grants-only strategy cannot fix a base-funding problem.

The ask, stated plainly

Recalculate and correct every tribe's frozen 1999 law enforcement and corrections base using current, verified service-population and workload data.

Reclassify BIA public safety and justice base funding as mandatory, permanent funding — following the model already proposed for Contract Support Costs — so it is no longer re-fought and re-cut in every annual appropriations cycle.

Grow the national PS&J appropriation toward the \$3.5 billion documented need identified in BIA's own 2021 TLOA report, rather than treating incremental annual increases as sufficient.

Section 3 — Legislative Branch Pathways

3.1 Two different committees, two different jobs

Authorizing committees write the underlying law — what programs exist, what obligations BIA has, and whether a funding category is mandatory or discretionary. For tribal law enforcement, that means the Senate Committee on Indian Affairs and the House Natural Resources Committee's Subcommittee for Indigenous Peoples of the United States.

Appropriations committees decide the actual dollar amount every year, within whatever authorization exists. For BIA base funding, that is the House and Senate Appropriations Committees' Interior, Environment, and Related Agencies Subcommittees. Committee reports accompanying appropriations bills also carry non-binding but influential "report language" that can direct BIA to study or correct specific problems — such as inaccurate service-population data — without requiring a standalone bill or floor vote. This is a frequently underused tool for base-funding advocacy specifically.

3.2 Bills currently in play that strengthen the base-funding case (119th Congress, 2025–2026)

Bill	What it does	Why it matters to base funding
Parity for Tribal Law Enforcement Act (H.R. 4712)	Amends the Indian Law Enforcement Reform Act so tribal officers under a 638 contract or compact who meet BIA-comparable training and certification standards are treated as federal law enforcement officers for enforcement authority and federal employment benefits.	Recruitment and retention barriers are frequently cited alongside base-funding shortfalls; removing this barrier strengthens the argument that a properly funded, properly resourced department can actually retain the officers a corrected base would pay for.
Tribal Police Department Parity Act (S. 3945 / H.R. 7699)	Ends firearms-access disparities so tribal law enforcement agencies have the same access as federal, state, and local agencies.	Removes a cost and equity barrier that compounds the effect of an already-frozen base budget.

3.3 The specific legislative asks

- Mandatory reclassification: request that Congress reclassify BIA public safety and justice base funding as mandatory spending, citing the FY2026 Contract Support Costs mandatory-funding proposal as direct precedent.
- Base-correction report language: request appropriations report language directing BIA to audit and correct 1999-era base allocations and service-population figures tribe by tribe, with a reporting deadline back to Congress.

- TLOA reporting enforcement: TLOA already requires BIA to report annually to Congress on PS&J funding levels, the methodology used to allocate them, and unmet staffing needs — request that appropriators use this existing report as the basis for a base-correction directive, rather than requiring new legislation.
- Full funding toward documented need: use BIA's own \$3.5 billion 2021 TLOA figure as the target number in every testimony, letter, and coalition ask — a documented, agency-generated need figure is harder for appropriators to dismiss than an outside estimate.

3.4 Advocacy tactics that move the base, not just the grant cycle

- Submit written testimony each spring to the House and Senate Interior-Environment Appropriations Subcommittees, explicitly distinguishing your base-funding ask from any grant request.
- Request specific committee report language on base-correction and mandatory-funding reclassification — a lower lift than a standalone bill.
- Recruit cosponsors for H.R. 4712 and S. 3945/H.R. 7699 as complementary, capacity-building measures.
- Join or organize coalition letters (e.g., with the National Congress of American Indians, United South and Eastern Tribes, or regional tribal organizations) framed specifically around base-funding correction and mandatory reclassification — appropriators weigh unified, multi-tribe asks on a structural issue more heavily than isolated requests.
- Track the FY2027 Interior-Environment appropriations bill closely: the House Appropriations Committee advanced a bill in June 2026 increasing BIA funding by nearly 30% with the largest share directed to Public Safety and Justice; the Senate had not yet introduced a companion bill, and funding is scheduled to expire September 30, 2026, with a continuing resolution a live risk if final action slips.

Section 4 — Executive Branch Pathways

4.1 The President's Budget Request — where cuts get proposed, and can be stopped

Each February, the Office of Management and Budget (OMB) releases the President's Budget Request, setting the Administration's opening ask to Congress. This is where PS&J base funding is most vulnerable: the FY2026 request proposed cutting BIA's public safety and justice program by roughly \$84 million as part of an overall 31% reduction to BIA's budget, framed as eliminating redundancy with other law enforcement agencies. Congress rejected that framing — the House Interior-Environment bill instead prioritized PS&J funding — but the request itself is a signal that base funding cannot be defended passively. Tribal advocacy directed at OMB and Interior before the request is finalized (typically the preceding fall) can shift the Administration's own starting position.

4.2 BIA's Tribal budget formulation process — where individual base corrections happen

This is the most direct executive-branch lever available to an individual tribal police department, and it does not depend on winning anything competitively. Each fall (roughly October through January), BIA regional offices hold Tribal budget formulation sessions under the Tribal Interior Budget Council (TIBC), where tribal representatives rank funding priorities using the Tribal Preferred Program Ranking Tool. Regional rankings feed into a National Budget Meeting each spring, where a Public Safety and Justice subcommittee consolidates tribal priorities into Indian Affairs' request to OMB.

Action point: use this process to fix your base, not just to ask for more

Confirm your tribe's TIBC regional representative is elevating law enforcement and corrections as a top-ranked priority.

Formally request that BIA verify and, if necessary, correct your tribe's 1999 base allocation and current service-population figure — this is a documented administrative correction request, not a new appropriation, and it does not require competing against other tribes.

Ask BIA in writing for the specific data and methodology behind your current base number; TLOA's reporting requirements mean BIA is already obligated to be able to produce this.

Put the request in the annual regional budget formulation record every year until it is resolved — a documented, repeated request builds the paper trail Congress and BIA leadership eventually respond to.

4.3 Where DOJ consultation intersects with the base-funding fight

DOJ's Tribal Consultation Framing Paper on Tribal Public Safety and Criminal Justice Funding has itself floated advocating for increased BIA base funding and a P.L. 477-style integration statute — evidence that even the agency running the competitive grant system recognizes its limits. Filing written comments on this framing paper, specifically endorsing base-funding reform and mandatory reclassification, adds your tribe's voice to the administrative record DOJ cites when it seeks its own statutory or budgetary changes. This is a supporting move, not a substitute for the BIA-side base correction request above.

Section 5 — The NNJI Roadmap: A Phased Action Plan

A sequenced plan for a tribal police department, or a supporting organization such as NNJI, to run every budget cycle — with the base-funding fix always the first priority.

Phase 1 — Audit your base (do this first, every tribe, every year)

- Request your tribe's documented 1999 law enforcement/corrections base allocation and the current BIA service-population figure on file.
- Compare that figure against your actual current service population, calls for service, and staffing levels.
- Document the gap in writing — this becomes the evidence base for every later request.

Phase 2 — Correct the base through BIA budget formulation (Executive Branch, Oct–Apr)

- Submit a formal base-correction and service-population-correction request through your TIBC regional representative.
- Rank law enforcement/corrections base correction as a top regional and national priority.
- Follow up in writing annually until BIA responds substantively.

Phase 3 — Push for permanent, mandatory funding (Legislative Branch, ongoing)

- Submit written testimony to the Interior-Environment Appropriations Subcommittees explicitly requesting (a) base-correction report language and (b) mandatory reclassification of PS&J base funding, citing the Contract Support Costs precedent.
- Recruit cosponsors for H.R. 4712 and S. 3945/H.R. 7699 as complementary capacity measures.
- Build and join coalition letters framed specifically around base correction and mandatory funding — not general funding increases.

Phase 4 — Reinforce through DOJ consultation (supporting track)

- File written comments on DOJ's public safety funding framing paper endorsing base-funding reform and P.L. 477-style integration.

Phase 5 — Track and reassess every cycle

- Monitor enacted appropriations levels each fall and re-audit your base allocation against any formula changes.
- Update your documentation package annually so a change in tribal leadership or staff never loses the paper trail.

Section 6 — Annual Advocacy Calendar

Window	What's happening	Your move
Oct – Jan	BIA regional Tribal budget formulation sessions (TIBC)	Submit base and service-population correction request; rank law enforcement/corrections as top priority
Feb	President's Budget Request released (OMB)	Review PS&J request level; flag any proposed cuts to Hill offices immediately
Mar – Apr	TIBC National Budget Meeting; Appropriations Subcommittee hearings begin	Submit written testimony requesting base correction and mandatory reclassification
Spring	DOJ Tribal consultation / framing paper comment periods	File written comments endorsing base-funding reform
Spring – Summer	House/Senate Appropriations Committee markups	Recruit cosponsors; push for base-correction report language; join coalition letters
Summer	House/Senate floor action on Interior-Environment bill	Monitor conference negotiations for PS&J topline and any base-funding directives
Sept 30	Fiscal year ends	Watch for continuing resolution; confirm enacted PS&J base and formula levels

Section 7 — Ready-to-Adapt Templates

Template A — Base & Service-Population Correction Request (to BIA / TIBC regional representative)

Letter or budget-formulation submission

To: [BIA Regional Director / TIBC Regional Representative]

From: [Tribal Nation / Department], [Region]

[Tribal Nation] respectfully requests that BIA verify and correct our law enforcement and corrections base allocation, which has not been substantively recalculated since 1999, and our current service-population figure, which we believe understates our actual population and workload.

Current base allocation on file: \$_____ (last verified: _____)

Current BIA service-population figure on file: _____ | Documented current figure: _____

Supporting documentation attached: ☐ Calls for service ☐ Officer-to-population ratio ☐

Population/enrollment records ☐ Other

We request a written response describing the methodology BIA will use to review this request and a timeline for resolution, consistent with BIA's Tribal Law and Order Act reporting obligations.

Respectfully, [Name, Title, Tribal Nation]

Template B — Cosponsorship Request Letter

Letter to a Member of Congress

The Honorable [Member Name], [Office Address]

Dear Representative/Senator [Last Name]:

On behalf of [Tribal Nation / Department], I write to request your support as a cosponsor of [H.R. 4712, the Parity for Tribal Law Enforcement Act / S. 3945, the Tribal Police Department Parity Act].

Our department's law enforcement base funding has not been meaningfully recalculated since 1999, even as our population and call volume have grown. This legislation would help address the recruitment and retention barriers that compound that shortfall by [one-sentence description of the fix].

We would welcome the opportunity to brief your staff on how base-funding reform and this legislation together affect public safety on [Tribal Nation]'s lands. Thank you for your consideration.

Sincerely, [Name, Title, Tribal Nation/Organization]

Template C — Appropriations Testimony Opening

Written statement for the record — Interior-Environment Appropriations Subcommittee

Chair [Name], Ranking Member [Name], and Members of the Subcommittee:

Thank you for the opportunity to submit this statement on behalf of [Tribal Nation / organization] regarding the Fiscal Year [20XX] budget for Bureau of Indian Affairs Public Safety and Justice programs.

[Tribal Nation]'s police department serves [service population] across [acres/jurisdiction]. Our base law enforcement funding has not been meaningfully adjusted since 1999, while calls for service have grown by [%/figure if available]. We respectfully request that the Subcommittee (1) direct BIA to correct base allocations using current, verified service-population data; (2) include report language recognizing Public Safety and Justice base funding as a candidate for mandatory reclassification, consistent with the precedent set for Contract Support Costs; and (3) fund the Public Safety and Justice account at a level that moves meaningfully toward BIA's own documented \$3.5 billion need.

We don't look away from what's broken in our communities. We also don't let what's broken speak for the whole nation. Our officers show up every day for the people they serve, and they deserve a funding system that shows up for them.

Respectfully submitted, [Name, Title]

Section 8 — Glossary & Key Contacts

Glossary

Term	Meaning
BIA-OJS	Bureau of Indian Affairs, Office of Justice Services — administers base law enforcement, corrections, and courts funding
TPA	Tribal Priority Allocation — the flexible 1970s-era funding pool from which law enforcement/corrections funding was removed in 1999, freezing each tribe's base at its 1999 level
PS&J	Public Safety and Justice — BIA's budget category covering law enforcement, corrections, and tribal courts
638 contract / compact	Funding mechanisms under the Indian Self-Determination and Education Assistance Act, P.L. 93-638, letting tribes operate federally funded programs; compacts provide block-grant flexibility, contracts fund by line item
TIBC	Tribal Interior Budget Council — the tribal/BIA body that formulates the annual Indian Affairs budget request, including regional base-correction requests
TLOA	Tribal Law and Order Act of 2010 — authorizing law requiring BIA to report annually on PS&J funding, staffing, methodology, and unmet need
Mandatory vs. discretionary funding	Mandatory funding is set by law and does not require annual appropriation; discretionary funding must be re-appropriated (and can be cut) every year — the precedent being sought for PS&J base funding, as already proposed for Contract Support Costs
CTAS	Coordinated Tribal Assistance Solicitation — DOJ's competitive grant program; a separate, supplemental track, not a substitute for base funding

Key Committees & Offices

- Senate Committee on Indian Affairs — authorizing committee, U.S. Senate
- House Natural Resources Committee, Subcommittee for Indigenous Peoples of the United States — authorizing committee, U.S. House
- House & Senate Appropriations Committees, Interior, Environment, and Related Agencies Subcommittees — set the annual BIA base and PS&J funding levels
- BIA Office of Justice Services and Tribal Interior Budget Council — executive-branch budget formulation and base-correction requests
- DOJ Office of Tribal Justice — coordinates tribal consultation on public safety funding policy

This roadmap reflects publicly available legislative and budget information as of July 2026. Bill numbers, appropriations levels, and committee assignments should be reverified each Congress and each fiscal year before use in formal advocacy.