



National Congress of American Indians

NCAI News

July 25, 2002
(Broadcast # 02-056)

Senate Appropriations Committee Approves FY 2003 Commerce-Justice-State Bill

On July 24, the Senate Appropriations Committee filed its FY 2003 funding bill for the Departments of Commerce, Justice, State, and the Judiciary (S. 2778, S. Rept. 107-218). The House Appropriations is not expected to consider its version of the bill until early September.

Funding in the bill meets the allocation level of \$43.48 billion in discretionary budget authority, of which \$480 million is for conservation programs. S. 2778 provides \$2.9 billion above the current funding level, of which \$2 billion is for DOJ's counterterrorism program and \$400 million is for the Election Reform Grant Program. This memorandum reports on the funding levels for the major programs of interest to tribal governments. The bill and its accompanying report are available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:s.02778>.

The President's budget included a legislative proposal to charge individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs. Because the underlying legislation has not been acted on, the FY 2003 request figures in this report have been adjusted to exclude the accrual proposal.

Department of Commerce

The Senate bill contains \$5.62 billion for the Commerce Department and related agencies, \$196.7 million below the current funding level and \$14.7 million below the Administration request. The Appropriations Committee rejected an Administration proposal to eliminate the Technology Opportunities Program, which has provided competitive grants to tribes and tribal organizations to expand telecommunications and technology in their communities. NCAI has been working as part of the Digital Empowerment Campaign to preserve funding for this and the Communities Technology Centers program, which is funded through the Labor-HHS-Education appropriations bill.

Commerce (\$ in millions)	FY 2002 Enacted	FY 2003 Request	FY 2003 Senate Bill
Economic Development Administration	335.0	317.2	335.0
Minority Business Development Agency	28.4	28.9	28.6 ¹
Public Telecommunications Facilities	43.5	43.6	51.8
Technology Opportunities Program	15.5	0	15.5

The Administration had requested, and the Senate bill provides, no funding for the Office of Native American Business Development. However, report language states:

The Committee lauds EDA for its continued efforts to strengthen private sector business activity and development on Indian lands, and urges that it act expeditiously to develop an implementation plan for the recently enacted Native American Business Development, Trade Promotion, and Tourism Act. (S.Rept. 107-218)

¹ Funding is equivalent to the current level, plus a 4.1 percent pay raise for federal employees.

Department of Justice

The Senate bill provides approximately \$25.7 billion for DOJ programs, an increase of \$2 billion above the current funding level and \$2.9 billion more than the budget request. The majority of this increase is for counterterrorism and homeland security activities. Indian Country law enforcement programs, which took a \$40 million hit in the FY 2003 budget request, receive a \$5 million increase in the Senate bill, which also includes a number of specific earmarks for American Indian and Alaska Native law enforcement activities. Among these is \$2.5 million to implement the Tribal Justice Technical and Legal Assistance Act of 2000, P.L. 106-559.

DOJ (\$ in millions)	FY 2002 Enacted	FY 2003 Request	FY 2003 Senate Bill
U.S. Attorneys – Indian Country	0	0	0
Jail Construction	35.2	0	35.0
Tribal Courts	8.0	8.0	8.0
Alcohol and Substance Abuse	5.0	5.0	5.0
Juvenile Justice	12.5	12.5	12.5
Law Enforcement Personnel (COPS Grants)	35.00	30.0	40.0

Jail Construction – Within the total for Indian Country jail construction, the bill allocates \$5 million to the Standing Rock Sioux Tribe for a juvenile detention and recovery facility, \$2.9 million to the Yankton Sioux Tribe for a juvenile detention facility, and \$900,000 to the Lower Brule Sioux Tribe for a detention facility.

CIRCLE – The Committee report acknowledges the success of the Comprehensive Indian Resources for Community Law Enforcement (CIRCLE) in the three communities in which it is deployed and urges DOJ to expand it. It requests that DOJ, no later than June 14, 2003, submit a proposal to expand CIRCLE by integrating and coordinating federal resources for purposes of law enforcement, public safety, substance abuse, tribal justice systems, and facilities construction into a small grant program to tribes and tribal consortia.

Juvenile Justice – Funds may be used for programs to: reduce, control, and prevent crime by and against tribal and Native youth; intervene for court-involved youth; improve juvenile justice systems; and, to implement prevention programs focusing on alcohol and drugs, including the Alaska Federation of Natives' initiative to develop an underage drinking prevention program in rural Alaska. Of the total funding for tribal juvenile justice activities, \$2 million is earmarked for the Alaska Illegal Drug and Alcohol Use Initiative.

From the \$58.5 million provided for discretionary grants for national and special emphasis programs, the following earmarks are included:

- \$500,000 to the Saginaw Chippewa Indian Tribe for a crime victims program
- \$450,000 to the After School and Counseling Programs for At-Risk Native American Youth in South Dakota
- \$75,000 to the Nez Perce Tribe for the Child Protection Program
- \$150,000 to the Crow Creek Sioux Tribe for Project Safe
- \$580,000 to St. Joseph's Indian School (South Dakota) for juvenile delinquency prevention programs

Law Enforcement Personnel – Funds may be used to hire uniformed officers and to purchase equipment and training for new and existing officers. The Committee report recommends that 5 percent of the COPS funds (\$2 million) be provided directly to tribal judicial systems to assist tribal courts with the increased caseload associated with increased arrests that result from additional tribal law enforcement funds.

Edward Byrne Grants – Within the \$594 million provided in the Senate bill for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, the following Indian Country projects are funded:

- \$1 million to the Alaska Native Justice Center for a restorative justice program
- \$300,000 to the Oglala Sioux Tribe to automate its court system

- \$150,000 to the Native American Community Board in Lake Andes to continue its domestic violence shelter and community prevention program
- \$350,000 to the Turtle Mountain Community College's Project Peacemaker, which seeks to increase the number of American Indians training in tribal government and law
- \$2.5 million to implement Sections 101 (tribal justice training and technical assistance grants), 102 (tribal civil legal assistance grants), and 103 (tribal criminal assistance grants) of the Indian Tribal Justice Technical and Legal Assistance Act of 2000
- \$508,476 to the Shoshone-Bannock Tribe for architectural and engineering fees associated with its justice center construction project

Indian Country Forensic Center – Within the total for the FBI, the Senate bill includes \$6 million to establish and operate a Center for Forensic Services in Albuquerque. The Center, which will be managed by the FBI Laboratory, will provide high-quality evidence examination, crime scene training, and other forensic service to investigators and prosecutors in federal and tribal cases throughout Indian Country.

Small Business Administration

The Senate bill provides \$788.5 million for the Small Business Administration, nearly \$100 million less than the FY 2002 funding level but \$5.5 million more than the budget request. Within the total \$1 million is provided for a Native American Economic Development Initiative.

SBA (\$ in millions)	FY 2002 Enacted	FY 2003 Request	FY 2003 Senate Bill
Small Business Development Centers	88	161	88
One Stop Capital Shops	0	0	0
Micro-Loan Technical Assistance	18	0	17.5
New Markets Venture Capital	0	0	0
BusinessLINC	2	0	2

Senate Appropriations Committee Approves FY 2003 Labor-HHS-Education Bill

On July 22, the Senate Appropriations Committee filed its FY 2003 funding bill for the Departments of Labor, Health and Human Services, and Education (S. 2766, S. Rept. 107-216). The House Appropriations is not expected to consider its version of the bill until early September.

This memorandum reports on the funding levels for some of the major programs of interest to tribal governments, but it is not an exhaustive or detailed examination of the bill, which is the largest non-defense appropriations measure. While there is some report language urging the funding of specific initiatives that benefit American Indians and Alaska Natives, particularly with respect to health disparities, there are no anti-Indian legislative riders attached to the bill.

The bill and its accompanying report are available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:s.02766:>.

The President's budget included a legislative proposal to charge individual agencies, starting in fiscal year 2003, the fully accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees. The budget also requested an additional dollar amount in each affected discretionary account to cover these accrued costs. Because the underlying legislation has not been acted on, the FY 2003 request figures in this report have been adjusted to exclude the accrual proposal.

Department of Labor

S. 2766 provides \$5.63 billion for training and employment services, \$148.53 million above current funding and \$657.6 million above the budget request.

DOL (\$ in thousands)	FY 2002 Enacted	FY 2003 Request	S. 2766 S.Rept. 107-216
Workforce Investment Act – Native Americans	57,000	55,000	57,000
Youth Activities	1,227,965	1,001,965	1,127,965
Youth Opportunity Grants	225,100	44,500	225,100
Job Corps	1,458,752	1,532,160	1,518,550

Department of Health and Human Services

DHHS (\$ in thousands)	FY 2002 Enacted	FY 2003 Request	S. 2766 S.Rept. 107-216
Administration on Aging			
Aging Grants for Native Americans	25,729	25,729	27,675
Family Caregivers Program – Tribal Allocation	5,500	5,500	7,000
Administration for Children and Families			
Child Care and Development Block Grant (Discretionary)	2,099,976	2,099,994	2,099,994
Child Care and Development Block Grant (Entitlement) ²	2,710,000	2,710,000	2,710,000
Head Start ³	6,537,640	6,667,533	6,870,000
Promoting Safe and Stable Families (Title IV-B, Subpart 2) ⁴	375,000	505,000	505,000
Child Welfare (Title IV-B, Subpart 1) ⁵	291,986	291,986	291,986
Battered Women's Shelters – Tribal Allocation	12,500	12,500	13,000
Native Employment Works Program	7,600	7,600	7,600
Administration for Native Americans	45,912	45,196	45,912
Centers for Disease Control	4,303,256	3,874,444	4,493,572 ⁶
Health Resources and Services Administration	6,080,551	5,365,404	6,175,402
Community Health Centers	1,343,570	1,457,864	1,533,570
Construction of Health Care Facilities	311,942	0	0
Nurse Loan Repayment Program for Shortage Area Service	10,239	15,000	15,000
Ryan White AIDS	1,910,587	1,910,725	2,072,000
National Institutes of Health	23,455,843	27,167,926	27,192,926 ⁷
Minority Health and Health Disparities	157,742	186,929	186,929
Diabetes and Digestive and Kidney Diseases	1,466,380	1,604,647	1,637,347
Substance Abuse and Mental Health Services Administration	3,137,690	3,193,086	3,237,538

² Tribes receive between one and two percent of combined discretionary and entitlement funds under the Child Care and Development Block Grant (\$91 million, or 2%, in FY 2001).

³ Tribes share a 13% allocation with territories, migrant programs, and programs for disabled children. In FY 2001, Indian Head Start programs received \$147 million and \$2 million for technical assistance. The Indian Early Head Start program received \$23 million and slightly over \$200,000 for technical assistance.

⁴ Tribes receive one percent of mandatory Title IV-B funds if they generate at least \$10,000 under the funding formula and two percent of discretionary Title IV-B funds, for a total of \$4.4 million in FY 2002.

⁵ Tribes received \$4.6 million out of the FY 2001 Child Welfare appropriation.

⁶ Includes a \$55 million increase for chronic disease prevention activities.

⁷ If enacted, the Senate level would constitute a doubling in NIH funding over the past five years.

Department of Education

Education (\$ in thousands)	FY 2002 Enacted	FY 2003 Request	S. 2766 S.Rept. 107-216
Title I Programs			
Basic Grants – BIA Schools & Territories	71,730	71,730	71,730
Concentration Grants – BIA Schools & Territories	13,650	13,650	13,650
School Reform – BIA Schools & Territories	2,350	2,350	2,350
Education Financial Incentives – BIA Schools & Territories	7,935	7,935	16,560
Even Start – BIA Schools & Migrant	15,000	12,000	15,000
Reading First State Grants – BIA Schools	4,500	5,000	5,000
Impact Aid			
Basic Support Payments	982,500	982,500	1,032,500
Facilities Maintenance	8,000	8,000	8,000
Construction and Renovation	48,000	45,000	50,000
Indian Education Act	120,368	122,368	122,368
Formula Grants to LEAs	97,133	97,133	97,133
National Activities (Research, Evaluation, Data Collection)	3,235	5,235	5,235
Special Programs (incl. Indian Teacher Corps)	20,000	20,000	20,000
Alaska Native Education Equity Assistance Program	24,000	14,200	32,500
Bilingual & Immigrant Education – BIA Schools, Native Entities	5,000	5,000	5,000
Education Standards and Assessment – BIA Schools	1,850	1,850	1,935
Education Technology Grants – BIA Schools, Tribes, Native Hawaiians, Pacific Islanders	5,254	5,254	5,254
Safe and Drug-Free Schools – BIA Allocation	4,720	4,720	7,850
State Grants for Improving Teacher Quality – BIA Allocation ⁸	14,250	14,250	15,500
Strengthening Alaska Native, Native Hawaiian-Serving Institutions	6,500	6,734	7,234
Strengthening Tribal Colleges	17,500	18,130	23,000
Vocational Education			
Basic State Grants – Tribes and Tribal Organizations	14,750	14,750	14,750
Tribally Controlled Postsecondary Institutions	6,500	6,500	7,000
Vocational Rehabilitation State Grants ⁹	2,515,583	3,001,840	2,533,492

###

⁸ This new grant program, authorized under the Leave No Child Behind Act of 2001, contains a .5% allocation for BIA schools.

⁹ Tribes receive a 1 to 1.5 percent allocation under this competitive program.