

## Legislative Update - January 12, 2001

(Broadcast #322)

**Commerce-Justice-State Appropriations** - On December 26, 2000 President Clinton signed the FY2001 Commerce-Justice-State (C-J-S) Appropriations bill into law as P.L. 106-553<sup>1</sup>. The following is an overview of funding levels for Indian related programs within the bill:

Law Enforcement Initiative – The Act provides \$104.5 million for the Department of Justice (DOJ) portion of the joint DOJ-BIA Indian Country Law Enforcement Initiative, compared to the budget request of \$173 million and the FY2000 level of \$91.5 million. Once appropriated and combined in the FY2001 Interior Appropriations Act (P.L. 106-291), the total available funding for the Indian Country Law Enforcement Initiative in FY2001 is \$254.1 million. This increase is largely the result of tribal leader advocacy to fund tribal law enforcement at the highest possible level, given that the House of Representatives had proposed to eliminate virtually all funding for the Initiative. Final funding levels of key Indian Country law enforcement programs follow:

(dollars in millions)	FY2000 Enacted	FY2001 Budget Request	FY2001 Enacted
U.S. Attorneys	0	\$4.7	\$5.0 (and 33 attorneys)
Alcohol and Substance Abuse Grants	0	\$8.0	\$5.0
Tribal Courts	\$5.0	\$15.0	\$8.0
Jail Construction	\$34.0	\$34.0	\$34.0
Law Enforcement Personnel (COPS grants)	\$40.0	\$45.0	\$40.0
Juvenile Delinquency	\$12.5	\$20.0	\$12.5
Drug Testing and Intervention	0	\$10.0	0
Criminal Statistics Collection	0	\$2.0	0
Police Corps Grants	0	\$5.0	0
Youth Mental Health Initiative	0	\$8.0	0

<sup>1</sup> The text of the final Act is included in H.Rept. 106-1005, which is available online at: "[http://thomas.loc.gov/cgi-bin/cpquery/R?cp106:FLD010@1\(hr1005\):](http://thomas.loc.gov/cgi-bin/cpquery/R?cp106:FLD010@1(hr1005):)". H. Rept. 106-1005 contains the conference reports for the District of Columbia and C-J-S appropriations bills. However, on November 14, the District of Columbia bill was re-issued in a new, separate bill.

Federal Bureau of Investigation	0	\$4.6	0
Sexual Assault Nurse Examiners	0	\$5.0	0
Criminal and Civil Legal Assistance	0	\$6.0	0
Office of Tribal Justice Permanent Authorization	0	\$0.9	0
Forensics Labs	0	\$5.0	0

In addition to these programs, the Act provides: \$2 million for a tribal criminal justice statistics study to be conducted by the Bureau of Justice Statistics; \$2 million from the Byrne grant program to construct the Hoonah Spirit Camp detention facility; \$2 million for the Alaska Native Justice Center; and \$350,000 to the Turtle Mountain Community College Department of Justice for "Project Peacemaker."

Department of Commerce – The Act provides \$412 million for the Economic Development Administration, compared to the budget request of \$408 million and the FY2000 level of \$362 million. However, no funding was included for the Administration's proposed Native American Economic Development Program. Within the National Telecommunications and Information Administration, the Telecommunications and Information Infrastructure Assistance Program (TIIAP) received \$45.5 million, which is slightly above the budget request. TIIAP provides competitive grants to state, tribal, and local governments and non-profit organizations to develop technology infrastructures and services for under-served communities. For the Public Telecommunications Facilities Program, which provides grants for equipment and to distribute non-commercial and educational programming, \$43.5 million was provided. Final funding levels for key programs follow:

(dollars in millions)	FY2000 Enacted	FY2001 Budget Request	FY2001 Enacted
Economic Development Administration	\$362.0	\$408.0	\$412.0
Native American Economic Development Program	0	\$49.0	0
Minority Business Development Administration	\$27.0	\$28.0	\$27.0
Telecommunications and Information Infrastructure Assistance	\$15.5	\$45.0	\$45.5
Public Telecommunications Facilities	\$26.5	\$110.0	\$43.5

Small Business Administration – No Indian-specific Small Business Administrations allocations were included in the Act. However, it does include \$7 million for the BusinessLINC program and \$30 million for technical assistance under the New Markets Venture Capital Program, which was enacted as part of the FY2001 Omnibus Appropriations Act. Final funding levels include:

(dollars in millions)	FY2000 Enacted	FY2001 Budget Request	FY2001 Enacted
Tribal Business Information Centers	0	\$1.5	0
BusinessLINC	\$1.5	\$6.6	\$7.0
New Markets Venture Capital	\$40.0	\$52.0	\$30.0
Small Business Development Centers	\$84.5	\$85.0	\$88.0
One Stop Capitol Shop	\$3.1	\$10.0	\$3.1
Micro Loan Technical Assistance	\$30.0	\$60.0	\$20.0

#### Legislative Riders

The FY2001 Commerce, Justice, State, and Judiciary Appropriations Act includes a scaled-down, \$50 million wildlife grants program similar to what was proposed under Title III of the Conservation and Reinvestment Act (CARA, H.R. 701). Unfortunately, during the final hours of conference negotiations, a critical tribal set-aside was removed from the bill. Included in CARA were significant and sorely needed provisions for tribal conservation, with an estimated \$28 million in the House version and \$40 million in Senate version targeted to America's Indian tribes to help with conservation needs. The Senate version of CARA provided a modest, yet equitable 2.25 percent proportional share to tribes under Title III, Wildlife Conservation and Restoration. On October 26, 2000, NCAI wrote to President Clinton to ask that he insist that the provision be restored during negotiations to produce a bill that he is willing to sign into law. Since the tribal allocation was not incorporated into the final measure, we will continue to explore ways to enact a tribal aside during the 107<sup>th</sup> Congress.

Finally, efforts to include an expansion to the Hate Crimes Prevention Act were unsuccessful. The proposal, which had passed the Senate as part of the FY2001 DoD Authorization bill and which was strongly supported by the Administration and civil rights groups, including NCAI, would have expanded federal jurisdiction to allow the prosecution of hate crimes motivated by a victim's sexual orientation, gender, or disability. Under current law, only crimes motivated by race, ethnicity, and religion trigger federal hate crimes jurisdiction. Current federal law also only permits prosecution of a hate crime if the crime prevents the victim from exercising a federally protected right, such as voting, or if it occurs on federal property. The proposal would have broadened federal jurisdiction to include violent hate crimes that cause death or bodily injury.

**For further information, contact NCAI at (202) 466-7767.**