

NCAI Update - June 29, 2001
(Broadcast #366)

Senate Appropriations Committee Approves Interior Appropriations Measure - On June 28, the full Senate Appropriations Committee approved the FY2002 Appropriations measure for Interior and Related Agencies that was approved by the Subcommittee earlier in the day. We understand from Senate staff that a managers package of 125 amendments was approved by voice vote during full Committee consideration. Among these amendments were several tribal-specific measures, including an amendment from Senator Domenici regarding Indian diabetes funding, an amendment by Senator Reid relating to Section 819 of the omnibus package of Indian bills passed at the close of the 106th Congress, and an amendment by Senator Feinstein regarding Shoshone homelands. The specifics of these amendments are not yet available. We will issue a full report on Interior Appropriations as information becomes available. For information that we have acquired to date regarding the measure as approved by the Interior Subcommittee, please see our June 28 Legislative Broadcast #365.

House Begins Debate on FY 2001 Agriculture Appropriations Bill - On June 28, the House began consideration of its FY 2002 Agriculture Appropriations bill (H.R. 2330, H.Rept. 107-116). Debate will resume on July 10, when the House returns from its July 4 recess. This following table provides the funding levels for key programs contained in the bill, most of which remain at their FY2001 enacted level. A complete copy of the bill and its accompanying report is available at "<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.02330>".

(\$ in millions)	FY 2000 Enacted	FY 2002 Request	FY 2002 House
Extension Services			
Tribal Colleges Extension Services	\$3.3	\$3.3	\$3.3
Indian Reservation Agents	\$2.0	\$2.0	\$2.0
Tribal Colleges			
Endowment Fund	\$7.1	\$7.1	\$7.1
1994 Institutions Equity Grants	\$1.5	\$1.5	\$1.5
Agriculture Research Initiative	\$1.0	\$1.0	\$1.0
AK Nat./Nat. Hawaiian-Serving Institutions	\$3.0	\$3.0	\$3.0
Rural and Economic Development			
Rural Community Advancement Program			
Native American Set-Aside	\$24	\$24	\$24
Water/Sewer Grants - AK Rural/Nat. Villages	\$20	\$20	\$20
Enterprise Zone/Empowerment Comm. Grants	\$15	\$15	\$15
Circuit Rider Program	\$9.5	not available	\$11
Distance Learning and Telemedicine	\$26.9 (\$400	\$26.9 (\$400	\$26.9 (\$400
Grants/Loans	loans)	loans)	loans)
Rural Development Loan Fund - Tribes	\$2.0	\$1.7	\$1.7
Indian Tribal Land Acquisition Loans	\$2.0	\$2.0	\$2.0
Food Programs			
Food Stamps (includes Food Distribution			
Program on Indian Reservations)	\$20,100	\$22,000.00	\$22,000.00
WIC	\$4,000.00	\$4,100	\$4,100.00

As in the FY 2001 Agriculture Appropriations Act, H.R. 2330 earmarks \$4 million for community facilities grants to tribal colleges and \$250,000 for transportation technical assistance within the Rural Community Advancement Program Native American set-aside. However, H.R. 2330 also includes an unspecified amount for water and waste disposal direct loans and grants, which received a separate \$17.7 million appropriation in FY 2001. No Indian-specific legislative riders were included in the House bill.

Action Needed on Legislation to Elevate the IHS Director - On June 27, the House Energy and Commerce Committee's subcommittee on Health and Environment held a hearing on a range of health-related bills and resolutions including HR 293, legislation to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health. Although the hearing was positive, with Representative Pallone's opening statement indicating strong support for the bill and Chairman Bilirakis indicating that the committee wanted to move forward to consideration of all the bills discussed at the hearing, **H.R. 293 has now been pulled from the mark up scheduled for July 11.** Staff for the majority have indicated that HR 293 would not be considered due to opposition from a Republican member of the committee.

ACTION: Please contact Energy and Commerce Majority Staffers Mark Wheat and Ann Espisito at (202)225-2927, as well as all Majority members of the House Energy and Commerce Committee to urge their support for swift approval of HR 293.

Tribal Foster Care and Adoption Assistance Amendments Introduced in House - On June 27, 2001, Representative Camp (MI) along with Representatives Hayworth (AZ), Kildee (MI), and Bonior (MI) introduced H.R. 2335, a bill to amend Part E of Title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas. The measure was referred to the Ways and Means Committee.

Identical to Senate bill S. 550 introduced by Senator Daschle and others on March 15, 2001, the measure would end the disparate treatment of Indian children under the Social Security Act's Title IV-E Foster Care and Adoption Assistance programs by providing them with the same services that are currently provided to all other eligible children in the U.S. At present, children who are under the jurisdiction of their tribe and placed by tribal agencies are left out of the act, which provides entitlement funding for foster care and adoption assistance services for income-eligible children who are placed by state agencies or public agencies with which the state has an agreement. Tribes are also currently ineligible for funding that is provided to states to administer these programs and provide training. The legislation will allow tribes to administer the IV-E program on a government-to-government basis without relying on state agreements.

ACTION: Please contact your Representative to urge their cosponsorship of this important measure if they have not already signed on.

Tribal Energy Self-Sufficiency Act Introduced in House - On June 28, Representative Rahall (WV) Introduced the Tribal Energy Self-Sufficiency Act with cosponsors Young (AK), Miller (CA), Kildee (MI), Faleomavaega (AS), Abercrombie (HI), Pallone NJ), Smith (WA), Udall (CO), McCollum (MN) and Kennedy (RI). The legislation is intended to promote tribal energy self-sufficiency and provide energy development where it is desired, including alternative sources of energy and tribal access to existing transmission facilities. The Council of Energy Resource Tribes, the Intertribal Energy Network, and a range of other tribal representatives assisted in drafting the measure. We will report in detail on this measure in a future update.

Wolf-Shays Legislation Introduced to Restrict Tribal Gaming - On June 19, 2001, Congressman Wolf (VA) and cosponsors Shays (CT), Tiahrt (KS), Riley (AL), Ehlers (MI), Bachus (AL), and Ryun (KS) introduced H.R. 2244, the Tribal and Local Communities Relationship Improvement Act, legislation that would amend the Indian Gaming Regulatory Act to require the approval of both the Governor and State Legislature for new Tribal-state gaming compacts and for gaming on Indian lands acquired after June 17, 1988, removing all existing exceptions to that prohibition. The bill would also limit Tribal gaming operations to one "parcel" of land, a description left undefined in the measure. In addition, it would create an Advisory Committee that would be tasked with establishing "minimum requirements for federal regulation," which must include new standards on background investigations, licensing of gaming operations, surveillance and security personnel, "procedures for protection of the integrity of the rules for the play of games", credit and debt collection controls, and accounting and auditing.

The measure would also establish a "Commission on Native American Policy" that would be charged with

conducting a study of living standards in Indian country, the effectiveness of current federal programs, crime, the influence of non-Indian investors on both Tribal gaming and the federal acknowledgement process, the influence of organized crime on Tribal gaming, and the social, economic and environmental impacts of Indian gaming on local communities. The bill authorizes the Commission to obtain all documents from federal agencies that it deems necessary, and provides it with the authority to subpoena *any person* (including non-government officials) who fails to supply information requested.

The impetus for this bill appears to be a range of misinformation “reported” by the Boston Globe regarding Indian gaming regulation and the unlawful benefits of Indian gaming by non-Indian gaming influences, with Rep. Wolf quoting the Globe reports in his press statement announcing the bill.

ACTION: Contact your Representatives and members of the House Resources Committee to ask that they oppose this ill-conceived measure, whose operative provisions, drafted in response to mistaken and unfounded media reports, are unnecessary and duplicative of existing systems.

Community Telecommunications Planning Grants Bill Introduced - On June 14, Senator Murray (D-WA) introduced legislation that would create a grant program to help rural and underserved areas develop plans to bring advanced telecommunications service to their areas.

Tribal governments would be among the eligible applicants under the Community Telecommunications Planning Act (S. 1056), which would provide funding to help areas build their telecommunications infrastructure. Examples of activities that would be allowed under the grant program include:

- Encouraging the involvement of a broad range of community members, including business, government, educational institutions, and telecommunications providers, in the development of a telecommunications infrastructure plan;
- Enhancing the focus of that plan on a wide range of telecommunications needs, including those related to business, education, health care, and government; and,
- Helping to identify a wide range of potential solutions to meet community needs through an advanced telecommunications infrastructure.

The bill would authorize a total of \$60 million for FY2002, and such sums as necessary in following fiscal years, for the grant program. This funding would be distributed among the following cabinet agencies: Commerce (\$25 million for FY2002); Agriculture (\$25 million for FY2002); and, Education (\$10 million for FY2002). Priority for grant funding under the bill would be given to eligible entities that propose to use their awards in rural and underserved areas.

According to “Falling Through the Net: Defining the Digital Divide”, a report published by the Commerce Department in July 1999, Native Americans rank far below the rest of the country in terms of access to telephones, computers, and the Internet. Rural Native American households are particularly lagging in connectivity. For telephone penetration, rural Native American households (76.4%) rank far below the national average (94.1%). Rural Native American households' access to computers (26.8%) is also lower than the national average (42.1%). Overall, Native Americans are also behind in their access to the Internet (18.9%), compared to the national average (26.2%).

At the NCAI Tribal Leader Digital Divide Summit in November 2000, participants recommended additional funding for technical assistance and feasibility studies for telecommunications infrastructure planning.

ACTION: We urge tribal leaders to contact their Senators to request that they cosponsor S. 1056 to help address the telecommunications infrastructure gap facing Indian Country. For more information about NCAI's technology infrastructure and development activities, please visit www.indiantech.org or call Becky Johnston at 206-788-9504 (email: rdjohnstongovaffairs@hotmail.com).