

AMERICAN INDIAN LAW & POLICY ALERT



EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH AMENDMENT TO THE PEPFAR

On July 16, 2008, the Senate approved a bipartisan amendment to the President's Emergency Plan for AIDS Relief (PEPFAR), which would set aside two billion dollars for Indian Country. The bill is also known as the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. The amendment, approved by voice vote, was offered by Sen. John Thune, R-S.D., and cosponsored by Sens. Jon Kyl, R-Ariz., Tim Johnson, D-S.D., Pete Domenici, R-N.M., Jon Tester, D-Mont., Byron Dorgan, D-N.D., Lisa Murkowski, R-Alaska and Hillary Clinton, D-N.Y. *(For more information about funding allocations, please see the table at the end of the Alert.)*

The Senate concluded debate later that day and approved the PEPFAR by a vote of 80 yeas to 16 nays. Sens. Ted Kennedy, D-Mass., John McCain, R-Ariz., Barack Obama D-Ill. and John Warner, R-Va. were absent and did not vote. The PEPFAR will now proceed to the House for consideration, which may occur in advance of the August recess. While early reports indicate that the House intends to take up the Senate version of the PEPFAR without amendment, Sen. Joe Biden, D-Del., has stated for the record that he is committed to working with the House to ensure that the provisions for Indian Country remain intact as the PEPFAR proceeds. Sen. Biden serves as chairman of the Foreign Relations Committee, which has sole jurisdiction over the PEPFAR. In the event of any House amendments, he will be responsible for conferencing with the House to achieve a compromise bill.

**PROVISIONS OF S.A. NO. 5076 – EMERGENCY PLAN
FOR INDIAN SAFETY AND HEALTH**

| PUBLIC SAFETY - \$750 million | |
|--------------------------------------|---|
| Funding | Purpose/Agency |
| \$370 million | Detention facility construction, rehabilitation and replacement (Agency: Department of Justice) |
| \$310 million | Tribal police and courts (Agency: Department of the Interior, Bureau of Indian Affairs, Public Safety and Justice Account) |
| \$30 million | Investigations and prosecutions of crimes in Indian Country (Agency: Department of Justice, U.S. Attorneys and the Federal Bureau of Investigation) |
| \$30 million | Indian and Alaska Native programs (Agency: Department of Justice, Office of Justice Program) |
| \$10 million | Cross-deputization and other cooperative agreements between state or local governments and Indian tribes (Agency: Department of Justice) |
| HEALTHCARE - \$250 million | |
| Funding | Purpose/Agency |
| \$250 million | Divided, per the director of the Indian Health Service, between contract health service, construction and rehabilitation of Indian health facilities and domestic and community sanitation facilities serving Indian tribes (Agency: Department of the Interior, Indian Health Service) |
| WATER PROJECTS - \$1 billion | |
| Funding | Purpose/Agency |
| \$1 billion | Indian water supply projects, congressionally approved (Agency: Department of the Interior) |
| TOTAL: \$2 billion | |

CONTACT INFORMATION

If you have any questions about this alert, please contact:

Danna Jackson 202.887.4355 djackson@akingump.com Washington, D.C.

Austin Beijing Dallas Houston London Los Angeles Moscow
 New York Philadelphia San Antonio San Francisco Silicon Valley Taipei Washington, D.C.