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GENERAL MEMORANDUM 09-156

Labor-HHS-Education and Related Agencies FY 2010 Appropriations

The House and Senate have approved and sent to the President for an expected signature, the Consolidated Appropriations Act, 2010 (HR 3288, Conference Report H Rpt. 111-366) which includes funding for agencies usually funded under six separate appropriations bills. The House approved the bill on December 10 and the Senate on December 13. The agencies funded under the Consolidated Appropriations Act, 2010 (Act) and the sections of the legislation in which they are located are:

- Transportation, Housing and Urban Development, and Related Agencies (Division A)
- Commerce, Justice, Science, and Related Agencies (Division B)
- Financial Services and General Government (Division C)
- Departments of Labor, Health and Human Services, and Education, and Related Agencies (Division D)
- Military Construction and Veterans Affairs and Related Agencies (Division E)
- Department of State, Foreign Operations, and Related Programs (Division F)

The above agencies had been funded under a Continuing Resolution which was set to expire December 18, 2009. *In this Memorandum we report on the programs funded under Labor, Health and Human Services, Education and Related Agencies Division of the Act.*

The conferees indicate that the funding allocation identified in the House and Senate reports for the Labor, HHS, Education and Related Agencies Division have been reviewed by the conferees, and those that are approved are noted in the Conference Report:

In implementing this conference agreement, the Departments and agencies should be guided by the language and instructions set forth in House Report 111-220 and Senate Report 111-66 accompanying the bill, H.R. 3293. In cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this explanatory statement.

The FY 2009 enacted levels in this Memorandum do not include funding from the American Recovery and Reinvestment Act (PL 111-5).

DEPARTMENT OF LABOR**Section 166 Program for Indian Tribes, Urban Indians, Hawaiians, and Samoans**

FY 2009 Enacted	\$52.8 million
FY 2010 Request	\$52.8 million
FY 2010 Enacted	\$52.8 million

This program, authorized under the Workforce Investment Act of 1998 (WIA), provides formula grant funding to tribes and other Native American groups for employment, training, and related services activities. The FY 2010 funding is inconsistent with the WIA requirement that a minimum of \$55 million is to be provided for the Section 166 program. The program year begins on July 1, 2010, and ends on June 30, 2011.

Supplemental Youth Services

FY 2009 Enacted	\$924.1 million
FY 2010 Request	\$924.1 million
FY 2010 Enacted	\$924.1 million

Youth Activities, authorized by the WIA, consolidates the Summer Youth Employment and Training Program under JTPA Title II-B, and Youth Training Grants under JTPA Title II-C. Tribes will receive 1.5 percent of the funds.

Tribal NEW (Native Employment Works) Program

The welfare reform law (PL 104-193) repealed the JOBS authorization and replaced it with the NEW program. Tribes continue to receive NEW funding under this program as a capped entitlement of \$7.6 million in FY 2010.

Pilots, Demonstration, and Research

FY 2009 Enacted	\$48.8 million
FY 2010 Request	\$57.5 million
FY 2010 Enacted	\$93.5 million

Among the earmarks are \$308,000 for the Central Council of Tlingit and Haida to expand vocational training and \$100,000 for the Fort Belknap Indian Tribe for an employment and training summer youth program.

Denali Commission

FY 2009 Enacted	\$3.38 million
FY 2010 Request	-0-
FY 2010 Enacted	-0-

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Administration for Native Americans (ANA)**

FY 2009 Enacted	\$47.0 million
FY 2010 Request	\$47.0 million
FY 2010 Enacted	\$48.8 million

Included in the total is \$12 million for the Esther Martinez Native American Languages Preservation Act of which no less than \$4 million is for language immersion programs. The Senate Committee stated:

The Committee recommends that \$12,000,000 of the total provided to ANA be available to fund activities authorized under section 803C(b)(7)(A)-(C) of the Native American Programs Act, as amended by the Esther Martinez Native American Languages Preservation Act of 2006. The Committee expects that no less than \$4,000,000 of this funding be allocated to language immersion programs. (S. Rpt. 111-66, p. 148)

Low-Income Home Energy Assistance Program

FY 2009 Enacted	\$5.1 billion
FY 2010 Request	\$3.2 billion
FY 2010 Enacted	\$5.1 billion

Head Start

FY 2009 Enacted	\$7.11 billion
FY 2010 Request	\$7.23 billion
FY 2010 Enacted	\$7.23 billion

The total Head Start amount includes funding for Early Head Start. Tribes share a 13 percent allocation of the Head Start total with the territories, migrant workers, and disabled children. The reauthorization provided that Indian Head Start programs would receive at least the previous year's funding (Head Start and Early Head Start combined) plus inflation.

The House asked that the Office of Head Start "include the waiting lists for the Head Start, Early Head Start, and the Indian and Migrant and Seasonal Head Start programs as part of the annual Program Information Reporting System." (H.Rpt. 111-220, p. 168)

Child Care and Development Block Grant*Discretionary Funds:*

FY 2009 Enacted	\$2.13 billion
FY 2010 Request	\$2.13 billion
FY 2010 Enacted	\$2.13 billion

FY 2010 Entitlement Funds \$2.91 billion

Tribes receive by statute not less than one percent and not more than two percent of the combined total of discretionary and entitlement funds under the Child Care and Development Block Grant. Tribes should receive \$100 million in FY 2010 funds.

Promoting Safe and Stable Families Program (Title IV-B, Subpart 2)

FY 2009 Enacted	\$345 million mandatory and \$63.3 million discretionary funds
FY 2010 Request	\$345 million mandatory and \$63.3 million discretionary funds
FY 2010 Enacted	\$345 million mandatory and \$63.3 million discretionary funds

Tribes and tribal consortia receive a three percent statutory allocation of the mandatory and discretionary funds, for a FY 2010 total of approximately \$12 million.

Child Welfare (Title IV-B, subpart 1)

FY 2009 Enacted	\$281.7 million
FY 2010 Request	\$281.7 million
FY 2010 Enacted	\$281.7 million

Although the statute does not specify a percentage or amount of funding for tribes, tribes receive formula funds under this program which is authorized under Title IV-B, Subpart 1 of the Social Security Act. Tribes expect to receive approximately \$5.5 million from this program in FY 2010.

Child Welfare Training

FY 2009 Enacted	\$ 7.2 million
FY 2010 Request	\$ 7.2 million
FY 2010 House	\$ 7.2 million

Foster Care Initiative

The Administration recommended \$20 million for a new foster care initiative and Congress approved that request. Funding will be for innovative strategies that improve outcomes for children in long-term foster care. The House Report states that the funds will be provided to states, localities and tribes. Funding is under the Child Welfare Training and Demonstrations Account and is in addition to the \$7.2 million above.

Kinship Guardianship

FY 2009 Enacted	\$14 million
FY 2010 Request	\$49 million
FY 2010 Enacted	\$49 million

The House Report noted that the Kinship Guardianship program, newly authorized under Title IV-E of the Social Security Act, is in its first full year of implementation:

The Fostering Connections to Success and Increasing Adoptions Act of 2008 created the Kinship Guardianship Assistance program to provide subsidies to a

relative taking legal guardianship of a child for whom being returned home or adoption are not appropriate permanency options. This increase reflects the first full year of implementation. (H. Rpt. 111-220, p. 178)

Tribes directly administering the Title IV-E Foster Care and Adoption Assistance programs would be eligible to offer Kinship Guardianship payments; or a tribe which has an IV-E agreement with a state might be able to access such payments through the agreement.

Independent Living

FY 2009 Enacted	\$140 million
FY 2010 Request	\$140 million
FY 2010 Enacted	\$140 million

Authorized under Title IV-E of the Social Security Act, the Independent Living program provides funding to states to assist youth who are aging out of foster care. The authorizing statute provides that states are to provide assistance to Indian youth, but very few states are providing such services.

Mentoring Children of Prisoners

FY 2009 Enacted	\$49.3 million
FY 2010 Request	\$49.3 million
FY 2010 Enacted	\$49.3 million

The Safe and Stable Families Act authorizes a mentoring program for children whose parent(s) is (are) incarcerated. Applicants are required to consult, to the extent appropriate, with various public and private entities including tribes and urban Indian organizations.

Under this program a national mentoring support organization receives funds to identify children of prisoners who need mentoring services. The organization is to place a priority on identifying children who reside in an area not served by a recipient of a Mentoring Children of Prisoners Grant, who reside in an area that has a substantial number of children or prisoners, and/or reside in a rural area or who are Indian.

The remaining funds are awarded competitively, and tribes are among the eligible applicants.

Community Services Block Grant (CSBG)

FY 2009 Enacted	\$746 million
FY 2010 Request	\$736 million
FY 2010 Enacted	\$746 million

In FY 2009 tribes received \$4.8 million from the CSBG program; there were 50 tribal grantees.

Education Vouchers for Youth Leaving Foster Care

FY 2009 Enacted	\$45.4 million
FY 2010 Request	\$45.4 million
FY 2010 Enacted	\$45.4 million

This program, authorized under the Safe and Stable Families Amendments of 2001 (PL 107-133), provides vouchers for college or vocational/technical training for youth who age out of the foster care system. States may allow youth to participate in the voucher program up to age 23, and the maximum voucher amount is \$5,000 per year. States will receive funding according to their proportion of youth in foster care. The Foster Care Independence Act requires states to provide services to Indian youth aging out of foster care and to consult with tribes on these services.

Battered Women's Shelters

FY 2009 Enacted	\$127.8 million
FY 2010 Request	\$127.8 million
FY 2010 Enacted	\$130.1 million

Tribes receive ten percent of funds from the Battered Women's Shelter program, which is authorized in the Family Violence Prevention and Services Act. These funds, which are distributed through a formula, are used primarily for counseling, advocacy, and self-help services for victims and their children.

Teenage Pregnancy Prevention Initiative

Congress provided \$110 million for a new teenage pregnancy prevention initiative to be coordinated with various DHHS agencies by the Office of Adolescent Health. The Secretary is to submit a report to Congress within 60 days of enactment of the appropriations bill detailing the status of the implementation of this program.

Administration on Aging

FY 2009 Enacted	\$1.49 billion
FY 2010 Request	\$1.49 billion
FY 2010 Enacted	\$1.52 billion

Within the total is the following Native-specific funding:

- \$27.7 million for formula grants for tribes and Native Hawaiian organizations. Funding is for services for the elderly including transportation, nutrition, and health screening.
- \$6.4 million for competitive grants to tribes for the Native American Caregiver Support Program. Funds are to assist tribes in providing support services for family caregivers as well as for grandparents caring for grandchildren.
- \$693,000 for a National Resource Center on Native Americans.

Substance Abuse and Mental Health Services Administration (SAMHSA)

FY 2009 Enacted	\$3.33 billion
FY 2010 Request	\$3.39 billion
FY 2010 House	\$3.43 billion

Under the *mental health programs*, the Act provides the following:

- Programs of Regional and National Significance: \$361 million; included in the total is \$4.3 million for Minority Fellowships.
- Mental Health Block Grant: \$399 million
- Children's Mental Health Services: \$121 million
- Protection and Advocacy Program: \$36.4 million
- American Indian Suicide Prevention: \$2.9 million

The Act allocates \$500,000 for the Rosebud Sioux Tribe's suicide prevention and early intervention services and \$100,000 for the Cheyenne River Sioux Tribe's youth suicide and substance abuse prevention programs.

Under the *substance abuse programs*, the Act provides the following:

- Substance Abuse *Treatment* Programs of Regional and National Significance: \$448 million
- Substance Abuse Prevention and Treatment Block Grant: \$1.72 billion
- Substance Abuse *Prevention* Activities of Regional and National Significance: \$202 million.

Health Resources and Services Administration (HRSA)

FY 2009 Enacted	\$7.25 billion
FY 2010 Request	\$7.25 billion
FY 2010 Enacted	\$7.49 billion

National Health Service Corps

FY 2009 Enacted	\$134.9 million
FY 2010 Request	\$169.0 million
FY 2010 Enacted	\$141.9 million

Community Health Centers

FY 2009 Enacted	\$2.19 billion
FY 2010 Request	\$2.12 billion
FY 2010 Enacted	\$2.19 billion

Nurse Loan Repayment Program for Shortage Area Service

FY 2009 Enacted	\$ 37 million
FY 2010 Request	\$125 million
FY 2010 Enacted	\$ 94 million

This program repays student loans for nurses in exchange for their working at least two years in an Indian Health Service health center, Native Hawaiian health center, public hospital, community or migrant health center, or rural health clinic.

Centers of Excellence

FY 2009 Enacted	\$20.6 million
FY 2010 Request	\$24.6 million
FY 2010 Enacted	\$24.6 million

Centers of Excellence funds are designed to strengthen the capacity of institutions that train a significant number of minority health professionals.

Rural Outreach Grants

FY 2009 Enacted	\$53.9 million
FY 2010 Request	\$55.5 million
FY 2010 Enacted	\$56.0 million

Rural Outreach Grants provide resources for new and innovative delivery of health services in rural areas, including telemedicine projects.

Area Health Education Centers

FY 2009 Enacted	\$32.5 million
FY 2010 Request	\$32.5 million
FY 2010 Enacted	\$33.3 million

Health Careers Opportunity Program

FY 2009 Enacted	\$19.1 million
FY 2010 Request	\$22.1 million
FY 2010 Enacted	\$22.1 million

Funding is for medical and other health professions schools for recruitment of disadvantaged students and pre-professional school preparations.

Telehealth Program

FY 2009 Enacted	\$ 7.6 million
FY 2010 Request	\$ 8.2 million
FY 2010 Enacted	\$11.8 million

The Conference Report states with regard to the use of these funds:

The conferees intend that telehealth funding may be used for new and existing regional and national resource centers that focus on operational clinical, statutory, or regulatory barriers to the delivery of telehealth services including credentialing and licensure and the establishment of one or more resource centers focused on telehomecare.

Ryan White AIDS Programs

FY 2009 Enacted	\$2.21 billion
FY 2010 Request	\$2.27 billion
FY 2010 Enacted	\$2.23 billion

The House stated regarding HIV/AIDS in Indian and Alaska Native communities the following:

The Committee recognizes that American Indians and Alaska Natives have the known third highest rate of new HIV infection in the U.S. after African Americans and Hispanics. The Committee is concerned that of the 63 evidence-based prevention interventions contained in the 2008 Compendium of Evidence-Based HIV Prevention Interventions, none target Native American communities. The Committee urges CDC to increase the number of interventions for these populations and to work with the National Institutes of Health (NIH) and other

behavioral research groups to accomplish this work. The Committee further encourages CDC to work directly with the Tribal Epidemiology Centers to support their culturally-competent approach in order to gain needed epidemiology in the area of HIV/AIDS surveillance within American Indian and Alaska Native communities. (H. Rpt. 111-220, p. 78)

Denali Commission

FY 2009 Enacted	\$19.6 million
FY 2010 Request	–0–
FY 2010 Enacted	\$10.0 million

Funding for the Denali Commission in Alaska is for the construction and renovation of health clinics, hospitals, and social service facilities, as authorized by PL 106-113, the FY 2002 Omnibus Appropriations Act. The Senate Committee states that it "expects the Denali Commission to allocate funds to a mix of rural hospital, clinic, long-term care and social services facilities, rather than focusing exclusively on clinic funding." The Conference Report specifically concurs with the Senate language regarding the allocation of Denali Commission funds.

Health Care-Related Facilities and Activities

FY 2009 Enacted	\$310 million
FY 2010 Request	–0–
FY 2010 Enacted	\$338 million

Among the earmarks under this account are:

- Chickaloon Native Village for facilities and equipment, \$250,000
- Indian Health Center in Santa Clara County CA for facilities and equipment, \$300,000
- Montana Wyoming Tribal Leaders Council for facilities and equipment, \$100,000
- Native Women's Health Care, Rapid City, SD, for facilities and equipment, \$60,000
- Red Cliff Band of Lake Superior Chippewa for facilities and equipment, \$750,000
- Alaska Native Tribal Health Consortium, Anchorage, AK, for facilities and equipment, \$1 million; and \$2 million for training dental health care workers.
- Coeur d'Alene Tribe for facilities and equipment, \$100,000
- Maniilaq Association for facilities and equipment, \$500,000
- Mississippi Band of Choctaw Indians for facilities and equipment, \$175,000
- Oglala Sioux Tribe for facilities and equipment relating to emergency medicine, \$800,000
- Rosebud Sioux Tribe for facilities and equipment relating to emergency medical services, \$600,000
- Yukon-Kuskokwim Health Corporation for facilities and equipment, \$1 million

DEPARTMENT OF EDUCATION

Title I, Education for the Disadvantaged

New Initiatives

- *Early Childhood Grants.* The Act does not fund the \$500 million the Administration requested for a new Early Childhood Grants initiative that was intended to "serve as a powerful incentive for States and LEAs to use Title I Grants to LEA funding to implement or expand high-quality local early childhood education programs." The Early Childhood Grants would have been funded by reducing the Title I Basic Grants funding by \$500 million in order to fund the new initiative.
- *Early Learning Challenge Fund.* The Act does not fund the Administration-requested \$300 million for a new competitive grants program that would have provided funds to State education agencies (SEAs) for the development of State plans and infrastructure to raise the quality of publicly funded early learning programs.
- *High School Graduation Initiative*

FY 2009 Enacted	–0–
FY 2010 Request	\$50 million
FY 2010 Enacted	\$50 million

This competitive grants program provides funds to LEAs for comprehensive approaches that seek to improve high school graduation rates through prevention and reentry systems for students at risk of not graduating, especially at the high schools and their feeder schools with particularly low rates of graduation. Within the amount provided for the Initiative, the Act authorizes that up to \$5 million may be reserved to use for "peer review, technical assistance, dissemination, evaluation and other nation activities", and requires the DoED to provide a briefing to the Appropriations Committees on the planned use funds at least 30 days before the request for proposals is released.

- *School Renovation.* The Act does not fund the Senate Committee-proposed \$700 million for a new renovation program, which was based on the *School Building Fairness Act of 2009* (S 1121). The Administration did not request these funds and it was not included in the House bill.

Basic Grants to Local Education Agencies (program level)

FY 2009 Enacted	\$6.597 billion
FY 2010 Request	\$5.097 billion
FY 2010 Enacted	\$6.597 billion

The Bureau of Indian Education (BIE)-funded schools and territories share a one percent allocation from the Title I basic and concentration grants. The BIE reported in its FY 2010 budget justification that in School Year 2008-2009 (SY08–09), BIE schools received \$97.6 million in Title I funds.

Concentration Grants

FY 2009 Enacted	\$1.36 billion
FY 2010 Request	\$1.36 billion
FY 2010 Enacted	\$1.36 billion

Early Reading First

FY 2009 Enacted	\$112.5 million
FY 2010 Request	\$162.5 million
FY 2010 Enacted	–0–

The Act does not fund this competitive grant program providing services to children ages birth through five years in language and pre-reading skills development, and professional development for instructors. The House bill recommended a funding increase, but less than the Administration's request amount. The Senate Committee proposed eliminating Early Reading First and instead funding "a single, comprehensive program that addresses the needs of children from birth through high school" by revamping the Striving Readers program to achieve that goal. The Conferees chose to revamp the Striving Readers, which is described below.

Striving Readers

FY 2009 Enacted	\$ 35.4 million
FY 2010 Request	\$370.4 million
FY 2010 Enacted	\$250.0 million

Instead of continuing Striving Readers as a competitive grant program geared toward improving the skills of *middle and secondary* students reading significantly below grade level—as proposed by the Administration—the Act follows the Senate Committee recommendation of a large funding increase in order to overhaul the Striving Readers program into a comprehensive literacy program that provides services to all students from *birth through 12th grade*. There is a 0.5 percent set-aside for BIE-funded schools. The Conference Report states:

For the Striving Readers program, the conference agreement modifies bill language proposed by the Senate designating funds under section 1502 of the ESEA for a comprehensive literacy program, including pre-literacy skills, reading, and writing, for students from birth through grade 12. Of the total provided for this initiative, certain funds are reserved: (1) \$10,000,000 for formula grants to States to support State Literacy teams, (2) one-half of one percent for the Secretary of Interior for the Bureau of Indian Education, (3) one-half of one percent for outlying areas, (4) and up to five percent for national activities conducted by the Secretary of Education. The remainder of the funds must be used for competitive awards to State educational agencies, of which up to five percent may be used for State leadership activities and not less than 95 percent shall be awarded as subgrants to local educational agencies or other entities, giving priority to such agencies or entities serving greater numbers or percentages of disadvantaged children. The conference agreement provides that State subgrants must be allocated as follows: (1) at least 15 percent to serve children from birth through age five, (2) 40 percent to serve students in kindergarten through grade five, and (3) 40 percent to serve students in middle and high school, through grade 12, including an equitable distribution of funds between middle and high schools. Eligible entities receiving comprehensive literacy program subgrants must use these funds for services and activities that have certain characteristics of effective literacy instruction.

(H.Rpt. 111-366, p. 1047)

The Conference Report states the following regarding the literacy implementation plan:

The conferees direct the Department to prepare an implementation plan for K–12 literacy-related activities including, but not limited to, activities under Title I School Improvement Grants, Striving Readers, Reading is Fundamental, Reach Out and Read, and the Institute of Education Sciences, as proposed by the House. The Senate report did not propose similar report language. This plan shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days prior to release of a request for proposals under the Striving Readers program. (H.Rpt. 111-336, p. 1047-48)

And, the Conferees request the DoED Office of Inspector General monitor the Department's implementation of the initiative and within one year of enactment, report to the Appropriations Committees on the adequacy of the conflict of interest procedures they have implemented.

Even Start

FY 2009 Enacted	\$66.5 million
FY 2010 Request	–0–
FY 2010 Enacted	\$66.5 million

The Act follows the House recommendation and funds the Even Start program, for which the Administration had proposed no funding. Even Start is a unified family literacy program that combines early childhood education, parenting instruction, and adult education components. The set-aside for migrants and Native Americans is six percent if appropriations for the program reach \$200 million (five percent if less).

The House Committee Report stated the Administration's proposal was based "on the results of flawed evaluation studies." In addition to recommending funding at the FY 2009 level, the Committee urged the Department to continue working with the States "to improve indicators of program quality, including assessments for dual language learners, and the effectiveness of Even Start instructional services." (H.Rpt. 111-220, p. 200)

Improving Literacy Through School Libraries

FY 2009 Enacted	\$19.1 million
FY 2010 Request	\$19.1 million
FY 2010 Enacted	\$19.1 million

This program provides grants to school libraries to update library materials and/or technology in the media center, or to provide well-trained/certified media specialists. The BIE-system schools receive 0.5 percent of the appropriated funds. In SY08–09, the BIE schools received \$95,718.

Impact Aid

Basic Support Payments (Section 8003(b))

FY 2009 Enacted	\$1.12 billion
FY 2010 Request	\$1.12 billion
FY 2010 Enacted	\$1.14 billion

This account includes funding for Heavily Impacted Districts (section 8003(f)).

Payments for Children with Disabilities (Section 8003(d))

FY 2009 Enacted	\$48.6 million
FY 2010 Request	\$48.6 million
FY 2010 Enacted	\$48.6 million

Federal Property (Section 8002)

FY 2009 Enacted	\$66.2 million
FY 2010 Request	\$66.2 million
FY 2010 Enacted	\$67.2 million

Facilities Maintenance (Section 8008)

FY 2009 Enacted	\$4.8 million
FY 2010 Request	\$4.8 million
FY 2010 Enacted	\$4.8 million

Construction and Renovation (Section 8007)

FY 2009 Enacted	\$17.5 million
FY 2010 Request	\$17.5 million
FY 2010 Enacted	\$17.5 million

The Act includes the Senate-proposed bill language that provides one-year availability of funds for Impact Aid construction grants instead of the two-year availability in the House bill. In FY 2008, Congress authorized a two-year distribution of these funds on a *competitive* basis, rather than by formula as in previous years.

School Improvement Programs

State Grants for Improving Teacher Quality

FY 2009 Enacted	\$2.95 billion
FY 2010 Request	\$2.95 billion
FY 2010 Enacted	\$2.95 billion

These funds are provided to states and schools to help them attain the No Child Left Behind Act (NCLBA) goal that all teachers be highly qualified by the end of the 2005-2006 school year. States are authorized to retain 2.5 percent of funds for state activities, changes to teacher certification or licensure requirements, alternative certification, tenure reform, merit-based teacher performance systems, differential and bonus pay for teachers in high-need subject areas, and professional development programs for principals. Local uses of funds include professional development, class size reduction, recruitment and retraining of teachers and principals, merit pay, mentoring, and other activities.

The NCLBA reserves 0.5 percent of the funds for this program for BIA-funded schools. In SY08–09, the BIE schools received \$14.6 million.

Math and Science Partnerships

FY 2009 Enacted	\$178.9 million
FY 2010 Request	\$178.9 million
FY 2010 Enacted	\$180.5 million

This program provides formula grants to partnerships of state educational agencies, higher education institutions, and school districts to improve academic achievement in mathematics and science through strong teaching skills for elementary and secondary school teachers. Funds may be used to develop rigorous mathematics and science curricula, distance learning programs, and incentives to recruit college graduates holding math and science degrees into the teaching profession.

Education Technology State Grants

FY 2009 Enacted	\$270 million
FY 2010 Request	\$100 million
FY 2010 Enacted	\$100 million

Under this program, states are required to direct 95 percent of the funds to school districts for increasing access to technology, especially for high-need schools; improving and expanding teacher professional development in technology; and promoting innovative state and local initiatives using technology to increase academic achievement. The BIA-funded schools, tribes, Native Hawaiians, and Pacific Islanders share a 0.75 percent allocation of education technology state grant funds. In SY08–09, the BIE schools received \$1.96 million in Education Technology funds.

Twenty-First Century Community Learning Centers

FY 2009 Enacted	\$1.13 billion
FY 2010 Request	\$1.13 billion
FY 2010 Enacted	\$1.17 billion

The 21st Century Community Learning Centers program enables communities to create or expand centers that provide activities offering significant extended learning opportunities, such as before- and after-school programs for students, and related services to their families. Centers must target services to students who attend schools that are eligible to operate a school-wide program under Title I of the Elementary and Secondary Education Act or that serve high percentages of students from low-income families.

Up to one percent of program funding is allocated to the BIA and outlying areas. In SY08–09, the BIE schools received \$8.07 million from this program.

Educational Standards and Assessment

FY 2009 Enacted	\$410.7 million
FY 2010 Request	\$410.7 million
FY 2010 Enacted	\$410.7 million

Funding is distributed by formula to states and the BIA for the development and/or improvement of educational assessments and standards. The BIA will receive 0.5 percent of these funds (\$2 million in SY08–09).

Gifted and Talented

FY 2009 Enacted	\$7.4 million
FY 2010 Request	–0–
FY 2010 Enacted	\$7.4 million

This program awards discretionary grants to states, LEAs, institutions of higher education, and public and private entities to support the needs of gifted and talented elementary and high school students.

Alaska Native Education Equity Assistance Program

FY 2009 Enacted	\$33.3 million
FY 2010 Request	\$33.3 million
FY 2010 Enacted	\$33.3 million

Rural Education

FY 2009 Enacted	\$173.4 million
FY 2010 Request	\$173.4 million
FY 2010 Enacted	\$174.9 million

Rural education funding, authorized under Title VI-B of ESEA, is divided equally between the Small, Rural School Achievement Program and the Rural and Low-Income School Program, under which the BIA-system schools receive 0.5 percent. These funds are provided to small schools that do not qualify for the Achievement program and have a child poverty rate of at least 20 percent. Under both programs, schools are able to consolidate various federal education funds. However, if schools do not meet progress goals within three years, the rural education funds must be used for Title I school improvement activities. In SY08–09, the BIE schools received \$429,636 in Rural Education funds.

Indian Education Act

FY 2009 Enacted	\$122.3 million
FY 2010 Request	\$122.3 million
FY 2010 Enacted	\$127.3 million

The Act provides \$5 million above the request level, without instruction on distribution among the Indian Education accounts. The allocation at the Administration's request level was: Grants to LEAs (\$99.3 million), Special Programs for Indian Children (\$19.06 million) and National Activities (\$3.89 million) which funds research that focuses on filling the gaps in national information on the educational status and needs of Indians, identifying educational practices that are effective with Indian students, and technical assistance to public school districts that receive Indian Education grants. In SY08–09, the BIE schools received \$2.6 million in Title VII Indian Education Act funds.

Innovation and ImprovementTeacher Incentive Fund (TIF)

FY 2009 Enacted	\$ 97.3 million
FY 2010 Request	\$467.2 million
FY 2010 House	\$445.8 million
FY 2010 Senate Comm.	\$300.0 million

FY 2010 Enacted \$400.0 million

The Teacher Incentive Fund (TIF) provides formula grants to reward effective teachers and create incentives to attract qualified teachers to high-need schools and provides competitive grants to design and implement performance-based compensation systems. The Conference Report states that within the total, \$220 million will be used for continuation awards and the balance for new awards, training and other authorized activities.

As requested, the Act includes language that would permit TIF funds to be used for initiatives that provide performance-based compensation to all school staff rather than only to teachers and the principal as in the past, and several Senate-proposed changes described in the report as follows:

- (1) requires TIF grantees to demonstrate that teacher performance-based compensation systems are developed with the input of teachers and school leaders, (2) permits TIF grantees to use funds to develop or improve systems and tools to enhance the quality and success of teacher compensation systems, and (3) requires applications for TIF grants to include a plan to sustain financially the activities conducted and systems developed once the grant period has expired. (H.Rpt. 111-336, p. 1050-51)

Charter Schools Grants

FY 2009 Enacted	\$216 million
FY 2010 Request	\$268 million
FY 2010 Enacted	\$258 million

Fund for Improvement of Education (FIE)

FY 2009 Enacted	\$235.5 million
FY 2010 Request	\$198.6 million
FY 2010 Enacted	\$271.6 million

Within the total, the Act provides \$12 million for the "Gulf Coast Recovery Grants" program; which the Administration proposed and requested \$30 million but under the Title I School Improvement Grants. Funds are to be competitively awarded to eligible LEAs in Louisiana, Mississippi and Texas that were impacted by Hurricanes Katrina, Ike, or Gustav for various purposes such as replacement of instructional materials and equipment, teacher pay incentives, school renovation/modernization/repair, and after-school or extended learning time activities.

Among the earmarks under this account are:

- o Alaska Native Heritage Center (Anchorage, AK) – \$150,000 for educational programming and outreach
- o Meskwaki Settlement School (Tama, IA) – \$500,000 for a culturally based education curriculum

Safe Schools and Citizenship Education

Safe and Drug Free Schools (State Grants)

FY 2009 Enacted	\$295 million
FY 2010 Request	–0–
FY 2010 Enacted	–0–

The Act, as proposed by the Administration, concurs in redirecting funding to higher priority programs, and put more toward the National Activities component. The BIA-funded schools received one percent of the state grant amount or \$4.75 million (whichever is greater) for Indian youth programs. In SY08–09, the BIE schools received \$4.75 million under this program.

School Culture and Climate Initiative

FY 2009 Enacted	–0–
FY 2010 Request	\$100 million
FY 2010 Enacted	\$48.3 million

The Act provides funds for the Administration-proposed new School Culture and Climate initiative, but at a significantly reduced amount. The funds will be used "to support new approaches to helping schools foster safe, secure, and drug-free learning environments". The Conference Report states that \$8.2 million of the total will be used to fund existing Character Education projects to the end of their grant cycle and the balance of the funds will be awarded on a competitive basis in two areas as follows:

(1) reducing the number of suspensions and expulsions related to student disruptive behavior and nonviolent offenses, and (2) reducing violent crime in schools, on school grounds, and on the way to and from school. ... It is the intent of the conferees that the new School Culture and Climate initiative include character education. (H.Rpt. 111-336, p. 1061)

Elementary and Secondary School Counseling

FY 2009 Enacted	\$52 million
FY 2010 Request	\$52 million
FY 2010 Enacted	\$55 million

Character Education

FY 2009 Enacted	\$11.9 million
FY 2010 Request	–0–
FY 2010 Enacted	–0–

The Act concurs in the Administration-proposed elimination of separate funding for the Character Education program. Instead, as noted above, the Conference Report stated it was intended that character education would be included in the School Culture and Climate initiative.

Carol E. White PE for Progress

FY 2009 Enacted	\$78 million
FY 2010 Request	\$78 million
FY 2010 Enacted	\$79 million

The Conferees concur with the House Report language that the Department incorporate the Centers for Disease Control and Prevention's *School Health Index* into the Carol E. White Program. Further, grant priority will be provided to applications seeking to implement the Index into their PE programs. The Conference Report states:

The Department shall grant priority to those applications that have completed physical education and nutrition assessments as part of the school health index or

propose to implement the index. Awards should support the implementation of science-based curriculum tools to encourage physical education and healthy eating. (H.Rpt. 111-336, p. 1061-62)

Civic Education

FY 2009 Enacted	\$33.5 million
FY 2010 Request	–0–
FY 2010 Enacted	\$35.0 million

Funds are awarded under the *We the People* (\$21.6 million; includes \$2.9 million for the comprehensive education program on democratic institutions), *Cooperative Education Exchange* (\$13.4 million) program, which includes funds for the Center for Civic Education and the National Council on Economic Education.

Mentoring Programs

FY 2009 Enacted	\$47.3 million
FY 2010 Request	–0–
FY 2010 Enacted	–0–

The Act concurs with the Administration's proposal to eliminate funding for this program that made awards to schools and community-based organizations to establish and support mentoring programs and activities for children at risk of educational failure. The budget justification stated a recent program evaluation found the program to be ineffective.

English Language Acquisition Grants

FY 2009 Enacted	\$730 million
FY 2010 Request	\$730 million
FY 2010 Enacted	\$750 million

This program provides formula grants for services to limited English proficient students and professional development for teachers. The statute allocates 0.5 percent or \$5 million, whichever is greater, of the language acquisition funds for BIA system schools and other tribal, Native Hawaiian, and Pacific Islander entities for programs in schools that serve predominantly Native American children.

Individuals with Disabilities Education Act (IDEA)

State Grants and Indian Allocation

FY 2009 Enacted	\$11.5 billion
FY 2010 Request	\$11.5 billion
FY 2010 Enacted	\$11.5 billion

Funding is provided through Part B Section 611(a) grants to BIA-system schools for supplemental services to disabled children between the ages of 5 and 21. In SY08–09, the BIE schools received \$66.3 million under this program.

Formula funding is provided to tribes with BIE-system schools through Part B Section 611(3) grants. The funds are used to assist State Education Agencies in the provision of special education and related services to children with disabilities between

the ages of three and five years. Based on the FY 2010 budget request, the estimated tribal preschool amount would be \$21.4 million.

IDEA, Part C, Grants for Infants and Families

FY 2009 Enacted	\$439.4 million
FY 2010 Request	\$439.4 million
FY 2010 Enacted	\$439.4 million

Tribes with BIE schools on their lands are eligible for formula funding under this program to coordinate state early intervention services to families whose infants and toddlers have disabilities. It is estimated that the FY 2010 tribal set-aside will be \$5.4 million.

Pre-School Grants

FY 2009 Enacted	\$374.1 million
FY 2010 Request	\$374.1 million
FY 2010 Enacted	\$374.1 million

These are additional funds for states for services for children with disabilities ages 3-5.

Vocational Rehabilitation

State Grants

FY 2009 Enacted	\$2.97 billion
FY 2010 Request	\$3.08 billion
FY 2010 Enacted	\$3.08 billion

Tribes receive an allocation of one to 1.5 percent (\$36.1 million FY 2009) from the amount appropriated for Basic State Grants which are competitively awarded.

Career and Technical Education

Basic State Grants

FY 2009 Enacted	\$1.16 billion
FY 2010 Request	\$1.16 billion
FY 2010 Enacted	\$1.16 billion

Tribes and tribal organizations receive a 1.25 percent allocation of basic state grants, which equals \$14,684,128 in FY 2009. The tribal vocational education grants are awarded competitively.

Tech-Prep Education (State Grants)

FY 2009 Enacted	\$102.9 million
FY 2010 Request	\$102.9 million
FY 2010 Enacted	\$102.9 million

The BIA-funded schools and tribal colleges are eligible to apply for Tech-Prep grants, which are used to establish four-year vocational/academic programs comprised of two years of high school and two years of college.

Higher Education

Tribally Controlled Postsecondary Career and Technical Institutions

FY 2009 Enacted	\$7.77 million
FY 2010 Request	\$7.77 million
FY 2010 Enacted	\$8.16 million

These funds are provided to United Tribes Technical College and Navajo Technical College.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions

FY 2009 Enacted	\$11.6 million
FY 2010 Request	\$12.2 million
FY 2010 Enacted	\$15.1 million

These funds are distributed to colleges serving at least 20 percent Alaska Native or ten percent Native Hawaiian students.

Strengthening Tribal Colleges

FY 2009 Enacted	\$23.2 million
FY 2010 Request	\$24.3 million
FY 2010 Enacted	\$30.2 million

The House Committee Report directed, and the Conference Report did not change, that FY 2010 funding priority be given to continuation grants and planning/development grants. The Report stated:

In past years, the Committee has supported a competitive grant program to assist institutions in addressing long overdue and high-priority infrastructure and facilities requirements. The Committee intends for the funds provided to be used to support the continuation of existing grants and new planning or developmental grants. Any remaining funds shall be available for grants for renovation and construction of facilities to continue to address needed facilities repair and expansion. Funds are awarded on a competitive basis. (H.Rpt. 111-220, p. 241)

Fund for the Improvement of Postsecondary Education (FIPSE)

FY 2009 Enacted	\$133.7 million
FY 2010 Request	\$ 47.4 million
FY 2010 Enacted	\$159.4 million

Within the above total, there is \$28.8 million for the Comprehensive Program. The Conference Report provides the following direction regarding this program:

...the conferees direct the Department to establish these invitational priorities: centers of excellence for teacher preparation as described in section 242 of the HEA; university sustainability initiatives as described in section 881 of HEA; rural development initiatives for rural-serving colleges and universities as described in section 861 of HEA; initiatives to assist highly qualified minorities and women to acquire doctoral degrees in fields where they are underrepresented as described in section 807 of HEA; modeling and simulation programs as described in section 891 of HEA; and higher education consortia to design and

offer interdisciplinary programs that focus on poverty and human capability as described in section 741(a)(11) of HEA. (H.Rpt. 111-336, p. 1065-66)

TRIO Programs

FY 2009 Enacted	\$848 million
FY 2010 Request	\$848 million
FY 2010 Enacted	\$853 million

The Conference Report states that the increase above the Administration's request is to be used for Student Support Services, bringing it to a total of \$300.5 million. The Report states:

For TRIO, the conferees intend that the increase over fiscal year 2009 be used for the Student Support Services program, which will be re-competed in fiscal year 2010. The conferees recognize that supportive services aimed at increasing retention and graduation of low-income students in college are an important complement to student financial aid, particularly the Pell Grant program. Many such retention services are supported through Student Support Services grants. Thus, the conferees intend that the funds provided will maintain the number of Student Support Services grantees. (H.Rpt. 111-336, p. 1072)

According to the budget justification, funding for the remaining TRIO programs would be as follows: Upward Bound (\$258.2 million); Upward Bound Math-Science (\$35 million); Veterans Upward Bound (\$14 million); Educational Opportunity Centers (\$46.8 million); the Ronald D. McNair Post-Baccalaureate Achievement Program (\$47.2 million); Talent Search (\$142.7 million); Staff Training (\$3.4 million); Administration/Peer Review (\$3.8 million), and Evaluation (\$1.5 million).

GEAR UP

FY 2009 Enacted	\$313 million
FY 2010 Request	\$313 million
FY 2010 Enacted	\$323 million

The Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), authorized under the Higher Education Act Amendments of 1998, is designed to help middle school students attending low-income schools become college-ready.

Teacher Quality Enhancement Grants

FY 2009 Enacted	\$50 million
FY 2010 Request	\$50 million
FY 2010 Enacted	\$43 million

This program, authorized under Title II of the Higher Education Act Amendments of 1998, provides grants to states for teacher preparation and recruitment.

Campus-Based Child Care

FY 2009 Enacted	\$16 million
FY 2010 Request	\$16 million
FY 2010 Enacted	\$16 million

Among the eligible applicants for the program are tribal colleges.

INSTITUTE OF MUSEUM AND LIBRARY SCIENCES

FY 2009 Enacted	\$274.8 million
FY 2010 Request	\$265.6 million
FY 2010 Enacted	\$282.3 million

Under Library Services programs, the Act provides \$4 million for Native American and Native Hawaiian services.

Under Museum Services programs, the Act provides \$945,000 for Native American and Native Hawaiian services. In addition, it includes \$975,000 for the Native American Cultural and Educational Authority in Oklahoma City for exhibits and educational programming.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

FY 2009 Enacted	\$370.7 million
FY 2010 Request	\$537.8 million
FY 2011 Enacted	\$537.0 million

In April 2009, Congress enacted legislation to reauthorize and expand the programs administered by the Corporation for National and Community Service via the Edward M. Kennedy Serve America Act, PL 111-13. (See our General Memorandum 09-075 dated June 12, 2009, for information about that Act).

Among the programs funded under the Corporation for National and Community Service are:

- *AmeriCorps* – \$375.5 million, a \$101 million increase over FY 2009. Tribes receive a statutory increase of at least one percent. The program is slated to have an 88,000 increase in positions in FY 2010.
- *Learn and Service America: School-Based Programs* – \$39.5 million, a \$2 million increase over FY 2009. Tribes and territories receive a statutory allocation of between two and three percent.
- *Volunteers in Service to America (VISTA) Program* – \$99 million, a \$3 million increase over FY 2009.
- *Foster Grandparents Program* – \$111 million, a \$2 million increase over FY 2009.

CORPORATION FOR PUBLIC BROADCASTING

Funding for the Corporation for Public Broadcasting (CPB) is provided two years in advance. The FY 2010 appropriations bill will provide FY 2012 CPB core funding, most of which is distributed via a statutory formula to public television and radio stations.

Core Funding

FY 2011 Enacted	\$430 million
FY 2012 Request	\$440 million
FY 2012 Enacted	\$445 million

Digital conversion (assistance to help television and radio stations convert from analog to digital as required by law) – \$36 million in FY 2010 funds.

Satellite Interconnection – \$25 million in FY 2010 funds for the replacement and upgrade of the public radio interconnection system.

Stabilization Fund – \$25 million in FY 2010 funds to help struggling public radio and television stations. The House had recommended \$40 million and the Senate Committee \$10 million for this purpose.

Five minority public broadcasting organizations collectively called the National Minority Consortia — Native American Public Telecommunications; Pacific Islanders in Communications; National Black Programming Consortium; Latino Public Broadcasting; and the Center for Asian American Media — receive operational and programming funds through the CPB budget.

Others who receive funding from the CPB include public and community radio stations, a number of which are Native-owned, and the Independent Television Service.

Please let us know if we may provide further information or assistance regarding FY 2010 Labor-HHS-Education and Related Agencies appropriations.

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