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94<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 12237

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IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1976

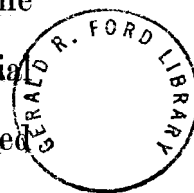
Mr. ABDNOR introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", approved April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.).

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That the Act entitled "An Act authorizing the Secretary of  
4        the Interior to arrange with States or territories for the  
5        education, medical attention, relief of distress, and social  
6        welfare of Indians, and for other purposes", approved  
7        April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.) is  
8        amended by adding at the end thereof the following new  
9        section:



1       “SEC. 7. (a) Notwithstanding the provisions of section  
2 4, the Secretary of the Interior shall enter into contracts to  
3 provide money to meet the general operating costs of public  
4 elementary and secondary schools which are located on or  
5 near Indian reservations and which are educating Indian  
6 children, and, for purposes of determining whether any such  
7 school is eligible as a contractor or a beneficiary of such a  
8 contract, the Secretary of the Interior shall not impose as a  
9 requirement for such eligibility a requirement that a number  
10 of Indian children in excess of 15 per centum of the total  
11 enrollment of such school shall be enrolled at such school.

12       “(b) The Secretary of the Interior shall enter into  
13 contracts under subsection (a) so that each school which is  
14 eligible to receive money under such subsection shall receive,  
15 for any fiscal year, an amount equal to the amount needed  
16 by such school in order to provide education of good quality  
17 to children in such school, taking into account the special  
18 costs, such as transportation and curriculum costs, associated  
19 with educating Indian children, and the extent of revenue  
20 available to such school from sources other than this Act,  
21 including State, local, and other Federal sources.

22       “(c) The provisions of section 5 shall apply with respect  
23 to a contract entered into under subsection (a), except that a  
24 local committee under such section 5 shall not have the au-  
25 thority to approve or disapprove programs under such con-

1 tract, and the Secretary of the Interior may revoke any  
2 such contract if the contractor has failed to permit such a  
3 local committee to carry out its functions under this sub-  
4 section.

5       “(d) There are authorized to be appropriated for any  
6 fiscal year such sums as may be necessary to carry out the  
7 provisions of this section.”.

94TH CONGRESS  
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By Mr. ABDNOR

MARCH 2, 1976

Referred to the Committee on Education and Labor

CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
Bureau of Indian Affairs  
Legislative Report  
94th Congress - 2nd Session  
Ending April 14  
1976

Mar 25

The Senate Appropriations Committee's Subcommittee on Interior and Related agencies resumed hearings on the Indian Claims Commission.

The Senate Banking, Housing and Urban Affairs Committee's Subcommittee on Housing and Urban Affairs continued hearings on legislation affecting housing programs (S. 2768, etc.) receiving testimony from the National Association of Housing and Redevelopment officials; Ad Hoc Coalition for Elderly Housing; Massachusetts Union of Public Housing Tenants; National Housing Conference; and the Ad Hoc Low Income Housing Coalition.

The House Ways and Means Committee's Subcommittees on Public Assistance and Unemployment Compensation concluded joint hearings on H.R. 11540, to eliminate the present statutory requirement that aid to families with dependent children be denied when there is an unemployed father receiving compensation under a State or local unemployment compensation law.

Sen. Metcalf announced that the Interior Committee oversight hearings on the Alaska Native Claims Settlement Act originally scheduled for April 29, 1976, has been postponed until June 10, 1976.

The Senate and House received the Agriculture Department's proposed legislation to consolidate Federal financial assistance to States for child nutrition programs; to Agriculture and Forestry Comm.

The Senate received the Interior Department's proposed plan for the distribution of judgment funds awarded to the Kiowa, Comanche, and Apache Indians; to Interior Comm.

Sen's. Metcalf & Mansfield introduced S. 3206, providing for the study of formulation of legislative proposals as to, the implementation of the transfer of mineral interests under the Northern Cheyenne Allotment Act, Act of June 3, 1926 (44 Stat. 690), as amended; to Interior Comm.

Sen. Tunney introduced S. 3210, to provide for a national coordinated program of job creation and maintenance; to Public Works, Finance, and Labor and Public Welfare Comm's.

Sen. Kennedy introduced S. 3211, to amend the Internal Revenue Code of 1954 to provide an election under which State and local governments may issue taxable obligations and receive a Federal subsidy of 40% of the interest yield on such obligations; to Finance Comm.



Mar 25 (contd)

Rep. Brown (Mich.), et al., introduced H.R. 12788, to amend the Housing and Community Development Act of 1974 to provide supplementary community development block grant assistance to communities with high unemployment due to adverse national economic conditions; to Banking, Currency & Housing Comm.

Rep. Harrington introduced H.R. 12795, to establish a program of full employment, vocational training, and employment placement for all young Americans willing and able to work; to Education and Labor Comm.

Rep. Jones (Oklah.) introduced H.R. 12800, to provide for the development and conversion into electric energy and usable energy materials of the potential hydroelectric resources of Alaska; to Interior Comm.

Rep. Quillen introduced H.R. 12812, to amend the Internal Revenue Code of 1954 to provide for payment by the Government of all reasonable litigation expenses to prevailing taxpayers in legal action; to Ways and Means Comm.

Rep. Waggoner introduced H.R. 12825, to amend the Consolidated Farm and Rural Development Act to increase the maximum loan amounts on certain programs, to revise the interest rate for certain loans, and to provide for congressional authorization of program levels; to Agriculture Comm.

Mar 26

Sen. Cannon introduced S. 3212, to require that funds collected through grazing fees be expended solely for range improvement purposes, except where otherwise specifically designated for payment to State or Indian tribes; to Agriculture Comm.

Mar 29

The Senate passed S. 3184, authorizing funds for FY's 1977-1979 Appropriations for alcoholism prevention and treatment programs.

The Senate Banking, Housing and Urban Affairs Committee began markup of proposed legislation affecting housing programs (S. 2768, 2835, 2986, 3067, 3143, 3158, 3159, 3170, 3174, 3188, 3193 and 3198).

The Senate Agriculture and Forestry Committee filed its report on an S. 2853, amended, to amend the Food Stamp Act of 1964 to insure a proper level of accountability on the part of food stamp vendors (SRpt. 94-714).



- Rep's. Perkins, Pressler, Cornell, et al, introduced H.R. 12835, to amend the Vocational Education Act of 1963; to Education and Labor Comm.

Mar 29 (contd)

Rep's. O'Hara, et al., introduced H.R. 12851, to extend and amend the Higher Education Act of 1965, as amended; to Education & Labor Comm.

Rep's. Quie, et al, introduced H.R. 12853, to consolidate the administration of certain programs of financial assistance to States for educational purposes; to Education & Labor Comm.

Mar 30

The Senate Banking, Housing & Urban Affairs Committee ordered reported an original bill authorizing certain new housing programs and extending existing housing programs through FY 1977.

The Senate Interior Subcommittee on Indian Affairs began hearings on S. 2801, to restore to the Confederated Tribes of the Siletz Indians of Oregon the status of a federally recognized Indian Tribe, receiving testimony from Morris Thompson, Commissioner of Indian Affairs, and Reid Payton Chambers, Associate Solicitor for Indian Affairs; Julia Taft, Deputy Assistant Secretary for Human Development, HEW; and Dr. Joseph N. Exendine, Acting Deputy Director, Indian Health Service; and Arthur S. Bensell, accompanied by the Tribal Council of Confederated Tribes of Siletz, Oregon.

The Senate Select Committee on Nutrition and Human Needs held oversight hearings on federally funded maternal and infant nutrition programs, with testimony on the Special Supplemental Food Program, known as the Women, Infants, and Children Program (WIC), receiving testimony from Lila Jordan, Rosebud Sioux Indian Tribe, Rosebud Sioux, S. D.; and various non-Indian witnesses.

The House agreed to the conference report on H.R. 200, to provide for the conservation and management of the Nation's fisheries; thus clearing the measure for Presidential action.

The Senate Rules and Administration Committee filed its report on S.Res. 109, to establish a temporary select committee to study the Senate committee system (SRpt. 94-722).

The Senate Judiciary Committee filed its report on S.J.Res. 151, to authorize and request the President to issue a proclamation designating July 2, 1976, as an official holiday (SRpt. 94-725).

Sen. Bartlett introduced S. 3224, to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers authority; to Public Works Comm.

Mar 30 (contd)

The House Interior Committee filed its report on H.R. 11876, to amend the Water Resources Planning Act (HRpt. 94-983).

Rep. Abdnor introduced H.R. 12864, to provide that the nature of services provided by any post office facility may not be changed without the approval of a majority of the patrons of the facility; to Post Office & Civil Service Comm.

Rep. Gude introduced H.R. 12903, to amend the Higher Education Act of 1965 to require the Commissioner of Education to make payments of interest for eligible students within 30 days of receipt of a proper voucher; to Education & Labor Comm.

Rep's. Perkins, et al, introduced H.Res. 1118 and 1119 identical resolutions, disapproving the deferral of budget authority relating to Special Supplemental Food Program (WIC) [deferral No. D 76-105] which is proposed by the President in his special message of March 18, 1976, transmitted under section 1013 of the Impoundment Control Act of 1974; to Appropriations Comm.

Mar 31

Sen. Abourezk announced that the American Indian Policy Review Commission, Task Force No. 10, on the terminated and nonfederally recognized Indians would hold public hearings April 9 & 10 in Boston, Mass., and on April 16 & 17, at Pembroke State University, Pembroke, N.C., from 9 a.m. to 5 p.m.

The Senate Interior Committee filed its report on H.R. 1466, to convey certain federally owned land to the 29-Palms Park and Recreation District (SRpt 94-729); and on H.R. 4941, for the relief of Oscar H. Barnett (SRpt. 94-730).

Rep. Baucus, et al., introduced H.R. 12917, to amend section 502(c) of the Rural Development Act to assist small farmers in upgrading their farming operations; to Agriculture Comm.

Rep. Brooks noted the issuance of a number of GAO reports including "How the BIA uses its planning and budgeting system to determine funding levels needed to educate Indian children in public schools under the Johnson-O'Malley program" RED-75-353.

The Senate agreed to S.Res. 109, to establish a temporary select committee to study the Senate committee system.

By a 54 to 36 vote the Senate agreed to the conference report on H.R. 8617, to revise regulations governing political activities of Federal employees, clearing the measure for Presidential action.





Mar 31 (contd)

The Senate Indian Affairs Subcommittee concluded hearings on S. 2801, the Siletz Restoration Act, after receiving testimony from Senator Kennedy and representatives of the Oregon Department of Fish and Wildlife; National Congress of American Indians; Trout Unlimited; and Save Oregon's Resources Today, Inc.

The Senate Labor and Public Welfare Committee began consideration of S. 2657, providing for grants to assist States in improving the quality of vocational education.

The Senate Labor and Public Welfare's Subcommittee on Health approved for full committee consideration with amendments H.R. 5546, authorizing new health manpower programs and extending such existing programs through FY 1978.

The House Banking, Currency and Housing Committee's Subcommittee on Housing and Community Development approved for full committee action a clean bill in lieu of H.R. 11769, Housing Authorization Act of 1976.

The House Interior Committee adopted a motion to postpone action until May 19 on H.R. 1863, to amend the Mineral Leasing Act of 1920 (Coal Slurry Pipeline).

The House Public Works and Transportation Committee's Subcommittee on Economic Development approved for full committee action H.R. 9398, to amend the Public Works and Economic Development Act of 1965.

The House Ways & Means Committee ordered reported favorably to the House H.R. 12774, amended, Municipal Taxable Bond Alternative Act of 1976.

The House Ways & Means Committee's Subcommittee on Public Assistance and Unemployment Compensation approved for full committee action H.R. 11540 amended, to eliminate the present statutory requirement that aid to families with dependent children be denied when there is an unemployed father receiving compensation under a State or local unemployment compensation law.

Apr 1

The Senate passed and cleared for Presidential action H.R. 1466, to convey a one-acre federally-owned Indian cemetery to the 29-Palms Park and Recreation District, Calif.

The Senate passed and cleared for Presidential action H.R. 4941, for the relief of Oscar Barnett.



Apr 1 (contd)

The House Education and Labor Committee's Subcommittee on Elementary, Secondary and Vocational Education approved for full committee action H.R. 12835, Vocational Education Amendments of 1976.

The House Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations approved for full committee action H.R. 11656, Government in the Sunshine Act.

The House Small Business Committee's Subcommittee on SBA Oversight and Minority Enterprise held an oversight hearings on SBA's lending program and Lease Guarantee Program.

The House received from the LEAA an interim report on the Advisory Committee on Standards for the Administration of Juvenile Justice, pursuant to section 247(b) of Public Law 93-415; to Education & Labor Comm.

The House Government Operations Committee filed its report on H.R. 12605, to provide permanent changes in laws necessary because of the October-September fiscal year; (HRpt. 94-1000); and on H.R. 12606, to provide for the orderly transition to the new October 1 to September 30 fiscal year; (HRpt. 94-1001).

Rep. Ashley and other members of the Housing & Community Development Subcommittee introduced H.R. 12945, to amend and extend laws relating to housing and community development; to Banking, Currency & Housing Comm.

Rep. Jones (Ala.) and Risenhoover introduced H.R. 12970 & 12971, to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for a 3-year period; and H.R. 12972 & 12973, to authorize a local public works capital development and investment program; all to Public Works and Transportation Comm.

Apr 2

The House Judiciary Committee's Subcommittee on Criminal Justice approved for full committee action a clean bill in lieu of H.R. 9074, Victims of Crime Act.

The House Judiciary Committee's Subcommittee on Courts, Civil Liberties and the Administration of Justice approved for full committee action H.R. 214, Bill of Rights Procedures Act.

The House received the Interior Department's proposed plan for the use and distribution of the award granted to the Three Affiliated Tribes of the Fort Berthold Reservation in ICC docket 350-F; to Interior Comm.

Apr 2 (contd)

The House Post Office & Civil Service Committee filed its report on H.R. 5465, to allow Federal employment preference to certain BIA & IHS employees who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians; with amendment (HRpt. 94-1003).

Rep's. Daniels and others introduced H.R. 12987, to authorize appropriations for FY 1976 and for the period 7/76 thru 9/76, for carrying out title VI of the Comprehensive Employment and Training Act of 1973; to Education & Labor Comm.

Apr 5

The Senate disagreed to the House amendment to S. 217, a bill to repeal the law allowing New Mexico to condemn Pueblo lands, requested a conference with the House, and appointed as conferees: Sen's. Jackson, Metcalf, Abourezk, McClure, and Bartlett. The House amendment would permit renewal or widening of existing rights-of-way without Pueblo consent, subject to approval by the Secretary of Interior. The BIA opposes the Amendment.

The House passed with amendment H.R. 11876, to amend the Water Resources Planning Act as amended.

The House Post Office & Civil Service Committee filed its report on H.R. 10572, to amend title 5 of the U.S.C. to provide that the provisions relating to the withholding of city income or employment taxes from Federal employees shall apply to taxes imposed by certain nonincorporated local governments (HRpt. 94-1008).

Rep. Simon introduced H.R. 13036, to amend the Internal Revenue Code of 1954 to impose a tax on the mining of coal and to establish a compensation program for damage attributable to mine subsidence; to Ways and Means Comm.

Rep's. Dent & Erlenborn introduced H.R. 13040, to provide for pension reform for State and local public service employees; to Education & Labor Comm.

Apr 6

The Senate Labor and Public Welfare Committee ordered reported with an amendment in the nature of a substitute of S. 2657, authorizing funds and extending programs through 1982 for vocational and higher education programs. The Committee also approved the nomination of Samuel R. Martinez of Colorado, to be Director of Community Services Administration.

April 6 (contd)

The House Education and Labor Committee ordered reported H.R. 12987, Emergency Job Programs Stop-Gap Extension.

The House Interior Committee's Subcommittee on Public Lands approved for full committee action H.R. 5224, Public Land Policy and Management Act (BLM Organic Act).

The House Judiciary Committee ordered reported H.R. 11656, Government in the Sunshine Act; and S. 2129 amended, Indian Crimes Act of 1976.

On April 5 the President signed H.R. 49, to provide full exploration and development of the Naval Petroleum reserves and to permit limited production from NPR's No. 1, 2, and 3. (P.L. 94-258; and H.R. 6346, authorizing funds for FY's 1977-1979 for rural development and small farm research and extension programs (P.L. 94-259).

Sen. Abourezk announced hearings for the American Indian Policy Review Commission's Task Force No. 6 on Indian Health to be held on May 1 in Billings, Montana, and on April 30 and May 1 in Aberdeen, So. Dak.

The House passed S. 2445 (the "Fiscal Year Adjustment Act") to provide permanent changes in laws necessary because of the October-September fiscal year after amending the bill to substitute the language of H.R. 12605. Section 38 of the bill amends the Alaska Native Claims Settlement Act to provide for a \$40 million payment due in the July-Sept. 1976 transition quarter and \$30 million in the July-Sept. quarters of each of the next five fiscal years.

Sen. Inouye introduced S. 3254, to amend the Act to encourage domestic travel by giving the U. S. Travel Service authority to institute a matching grants program for domestic travel promotion projects.

The House received the President's message announcing his veto of H.R. 9803, Child Day Care Services under title XX of the Social Security Act (H. Doc. 94-440).

The Senate received the Interior Department's proposed plan for use and distribution of the ICC award granted to the Three Affiliated Tribes of the Fort Berthold Reservation; to Interior Comm.

The Senate Interior Committee filed its reports on S. 2981, to authorize appropriations for the ICC for FY 1977, and extend the ICC's life to 9/30/80 (SRpt. 94-737); and on H.R. 1465, to provide for the division of assets between the 29-Palms Band and the Cabazon Band of Mission Indians, Calif., including certain funds in the U.S. Treasury (SRpt. 94-738).

April 6 (contd)

Sen. Domenici introduced S. 3249, to authorize the Secretary of the Interior to amend the contract for the construction, operation and maintenance of Vermejo Reclamation Project, New Mexico; to Interior Comm; and S. 3250, for the relief of the Vermejo Conservancy District; to Judiciary Comm.

The House Judiciary Committee filed its report on H.R. 12048, to improve Federal agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review (HRpt. 94-1014, Pt. 1).

Rep. Ullman introduced H.R. 13059, pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation; to Interior Comm.

Apr 7

The Senate Agriculture and Forestry Committee ordered reported S. 2485, removing the requirement for Congressional committee approval of loans exceeding \$500,000 for resource conservation and development projects.

The Senate Labor and Public Welfare Committee ordered reported with an amendment in the nature of a substitute H.R. 5546; authorizing funds for FY 1976 & 1977 for health professions training programs, and authorizing new health manpower programs and extending such existing programs through FY 1980.

Sen. Abourezk announced hearings for the American Indian Policy Review Commission's Federal Administration Task Force No. 3 investigating the policies, practices and structure of the BIA to be held May 8 & 9 at the Hilton Airport Inn, Interstate 70 and Peoria, Denver, Colorado, beginning each day at 9 a.m.; Task Force No. 6 on Indian Health to be held April 20 and 21 at the Holiday Inn, 2247 E. Van Buren, Phoenix, Ariz; and April 24 & 25 at the Bonneville Power Building, 1002 N.E. Holiday, Portland, Oregon, each day at 9.a.m.; Task Force No. 8 on the urban, rural, and nonreservation Indians to be held April 19, at the Page Belcher Federal Building, fourth floor-Jury Assembly floor, Fourth and Denver, Tulsa, Okla; and April 28 at the Post Office Bldg. Auditorium, room 269 1823 Stout Street, Denver, Colo; and on April 21 (instead of April 28, as previously announced) at the Post Office Bldg. Auditorium, room 269, 1823 Stout Street, Denver Colo., both starting at 9.a.m.

Sen's. McGee, Hansen, Mansfield, Metcalf, and McClure introduced S. 3263, to provide for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreages under Federal reclamation laws. Sen. McGee stated that "users of Bureau of Reclamation water in the west have been plagued by what is known to many

April 7 (contd)

as the excess land law or the 160-acre limitation \*\*\* which says that each landowner receiving water from a Federal reclamation project can only receive water for use on land limited to 160-acres in size" S. 3263 would "give the Secretary of Interior discretion \*\*\* to determine that in cases where land has a lesser productive potential, the applicability of the 160-acre limitation may be modified, depending upon the characteristics of the land in question."; to Interior Comm.

The House passed S. 1466 after amending it by substitution of the language of H.R. 12678, the National Health Promotion and Disease Prevention Act of 1976.

The House received the conference report (HRpt. 94-1017) on H.R. 8235, to authorize appropriations for the construction of certain highways. The Senate received the report (SRpt. 94-741) on April 8.

The House Ways and Means Committee filed its report on H.R. 12774, to amend the Internal Revenue Code to provide an election under which State and local governments may issue taxable obligations and receive a Federal subsidy of 35 percent of the interest yield on such obligations (HRpt. 94-1016).

The Senate received Part II of SRpt. 94-705 on S. 3184, authorizing funds for FY 1977-1979 for alcoholism prevention and treatment programs.

The Senate Appropriations Committee filed its report on H.J. Res. 890, making emergency supplemental appropriations for public employment programs, summer youth programs, and preventive health services for the fiscal year ending June 30, 1976 (SRpt. 94-742).

Apr 8

The Senate received Conference Report on H.R. 7988, Health Research and Health Services Amendments of 1976 (SRpt. 94-743).

The House Education and Labor Committee ordered reported H.R. 12835, Vocational Education Amendments of 1976.

The House and Senate received the President's message requesting a supplemental appropriation of \$528 million to support 880, 100 jobs for disadvantaged youth during this summer and \$1.7 billion for CETA public service jobs (H. Doc. 94-443; H. Doc. 94-166).

The Senate agreed to the House amendments to S. 2444, to provide for the orderly transition to the new October 1-September 30 and S. 2445, to make permanent changes in laws necessary to comply with the change of the fiscal year, clearing them for Presidential action.

The Senate passed S. 3136, the National Food Stamp Reform Act of 1976, after adopting a number of amendments including one by Sen. Kennedy extending for 1 year the commodity program on Indian reservations.

April 8 (contd)

The Senate passed S. 2853, to insure a proper level of accountability on the part of food stamp vendors.

The House received the President's proposed supplemental appropriations and budget amendments for the Interior Department and the Joint Federal-State Land Use Planning Commission for Alaska (H. Doc. 94-445); to Appropriations Comm.

The House Judiciary Committee filed its report (HRpt. 94-880, Pt. II) on H.R. 11656, to provide that meetings of Government agencies shall be open to the public.

The House Education Committee filed its report (HRpt. 94-1019) on H.R. 12987, to authorize appropriations for FY 1976, and for July-Sept. 1976 for carrying out title VI of the CETA of 1973 (Emergency Jobs Program Stop-Gap Extension).

Rep. Roe introduced H.R. 12130, to establish a Department of Education; to Government Operations Comm.

Apr 9

The House Merchant Marine and Fisheries Committee's Subcommittee on Fisheries and Wildlife Conservation and the Environment, and on Oceanography held a joint hearing on H.R. 370 and related bills, to provide for the development of aquaculture in the United States. Fish and Wildlife Service and public witnesses testified.

The Senate passed an amended H.J.Res. 890, making emergency supplemental appropriations for public employment programs, summer youth programs, and preventive health services for the fiscal year ending June 30, 1976 and appointed 18 conferees.

Sen. Laxalt inserted in the Record a letter from HEW opposing S. 3184, which would extend for three years at increased authorization levels the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. The letter stated that "having made \*\*\*significant strides towards overcoming the problem of alcohol abuse and alcoholism, we believe that it is time to transfer the basic responsibility for dealing with this problem to the State and local level\*\*\*" and explained the provisions of HEW's proposed S. 3137 and the President's 1977 budget proposal to transfer \$12 million from NIAAA to IHS for Indian programs.

The Senate passed and cleared for Presidential action H.R. 1465, to provide for the division of assets between the 29-Palms Band and the Cabazon Band of Mission Indians, Calif.

The Senate passed S. 2981, authorizing funds for the Indian Claims Commission for FY 1977; and extending ICC's life to 9/30/1980.



April 9 (contd)

Sen's. Jackson & Magnuson introduced S. 3283, to authorize the Interior Department to construct, operate, and maintain the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam project, Washington; to Interior Comm.

The House Education & Labor Committee filed its report (HRpt. 94-1024) on H.R. 12838, to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program.

The House Appropriations Committee filed its report (HRpt. 94-1027) on H.R. 13172, Second Supplemental Appropriations Act for FY 1976 and for July 1976-September 1976.

The House Appropriations Committee filed its report (HRpt. 94-1029) on H. Res. 1129, disapproving the deferral of budget authority relating to special supplemental food program (WIC) (deferral D76-105) which is proposed by the President in his message of March 18, 1976.

The House Budget Committee filed its report (HRpt. 94-1030) on H.Con.Res. 611, setting forth the congressional budget for FY 1977, and revising the congressional budget for the transition quarter beginning 7/1/76.

The House Judiciary committee filed its report (HRpt. 94-1031) on H.R. 365, to provide benefits to survivors of certain firefighters who die in the performance of duty; and on H.R. 366 (HRpt. 1032), to provide benefits to survivors of certain public safety officers who die in the performance of duty.

Rep. Rodino and other members of the House Judiciary Committee introduced H.R. 13157 & 13158, (identical bills) to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions; to Judiciary Comm.

Rep. Brinkley and others introduced H.R. 13163, to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief; to Armed Services Comm.

Apr 11

The President signed H.R. 1466, to convey approximately one acre of land to the 29-Palms Park and Recreation District, Calif. (P.L. 94-262).



Apr 12

The Senate Banking, Housing and Urban Affairs Committee began hearings on S. 2532, to establish a Government corporation to be known as the Energy Independence Authority.

The House passed H.Res. 1129, disapproving proposed Food and Nutrition funding deferrals.

The Senate and House agreed to S. Con. Res. 111, providing for a conditional adjournment of the Congress from April 14 until April 26.

The House Merchant Marine and Fisheries Committee ordered reported H.R. 5523, to improve the administration of fish and wildlife programs.

The Senate agreed to S.Con.Res. 109, setting forth recommended levels of total FY 1977 budget outlays, Federal Revenues, and new budget authority.

The House passed H.Res. 1032, disapproving the Proposed Soil Conservation Service funding deferral.

The House concurred in the Senate amendments to H.J.Res. 890, making emergency supplemental appropriations for preventive health services for FY 1976, clearing it for Presidential action.

Rep. Teague inserted a statement in the Congressional Record concerning a project underway in Alaska, in which NASA's Landsat--1 Earth resources survey satellite is being used "to help Alaskan Indians select thousands of acres of potential commercial timberland and promising areas for mineral exploration from vast tracts of wilderness offered by the Federal Government to settle native claims going back to the U. S. purchase of Alaska from Russia in 1867."

The House received the President's message announcing his veto of H.R. 8617, entitled "to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation." The bill was also known as "the Hatch Act Repeal" (H. Doc. 94-449).

Sen. Kennedy introduced S. 3296, to amend the Administrative Procedure Act to provide for improved administrative agency accountability and review of administrative agency actions; and S. 3297, to improve agency rule making by expanding the opportunities for public participation by creating procedures for congressional review of agency rules, and by expanding judicial review; both to Judiciary Comm.

April 12 (contd)

The Senate Banking, Housing and Urban Affairs Committee filed its report (SRpt. 94-749) on S. 3295, an original bill to extend the authorization for annual contributions under the United States Housing Act of 1937, to extend certain low-income housing programs under the National Housing Act. This clean bill was introduced the same day by Sen. Proxmire.

The House received the Interior Department's report and certification of physical, economic, and financial feasibility on construction of the Uintah unit of the Central Utah project, pursuant to the Colorado River Basin Project Act (P.L. 90-537); to Interior Comm.

The House received HEW's proposed legislation to amend the Social Security Act to improve and simplify the program of Aid to Families with Dependent Children; to Ways and Means Comm.

The House received the GAO's report on actions that HEW could take to develop a system for evaluating the well-being of children and the impact of relevant federally supported programs; jointly to Government Operations; Ways & Means; and Education & Labor Comm's.

The House Post Office & Civil Service Committee filed its report (HRpt. 94-1033) on H.R. 9043, to authorize employees and agencies of the U.S. Government to experiment with flexible and compressed work schedules as alternatives to present work schedules.

Apr 13

The House Education and Labor Committee ordered reported H.R. 12851, Higher Education Amendments of 1976; and H.R. 12835, Vocational Education Amendments of 1976.

The House Judiciary Committee ordered reported H.R. 11193, Federal Firearms Act of 1975.

The House Public Works and Transportation Committee ordered reported H.R. 9560, Federal Water Pollution Control Amendments; H.R. 12972, Local Public Works Capital Development and Investment Act of 1976; H.R. 9398, to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for 3-years; and H.R. 12545, authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, and navigation.

Rep. Abdnor inserted in the Record a letter from the manpower programs director of the Oglala Sioux Tribe, who feels frustrated and burdened by excessive audits and complexities in EDA's Title X program, and excessive interference from Washington. He also feels that "a lot of people who have lived on the reservation all their lives can't list a set of priorities that would help the problems," while "the only place most people on the reservation can get jobs is on a tribal program," and "there is such a small percentage that can get on tribal programs" that it "all leads to a tremendous amount of dissatisfaction."

April 13 (contd)

The House and Senate agreed to the conference report on H.R. 8235, Federal Aid Highway Act, clearing it for Presidential action.

By a 54 to 28 vote, the Senate passed S. 3201, authorizing funds for antirecessionary public works employment programs, after adopting an amendment adding a new "countercyclical assistance program."

The House passed H.R. 13172, the Second Supplemental Appropriation Act for 1976 and the transition quarter.

The Senate passed and returned to the House H.R. 7108, extending until 7/30/76 authorizations for various Environmental Protection Agency research, development and demonstration programs.

Sen. Kennedy introduced S. 3298, to provide water to the five central Arizona Indian tribes for farming operations and to settle their surface water right; to Interior Comm.

The House received the President's message reporting the deferral of use of an additional \$3.9 million of appropriated funds for the Interior Dept.'s. program to develop public lands.

Sen. Dole introduced S. 3299, to amend the Soil Conservation and Domestic Allotment Act to provide an updated national direction to the conditions under which the Government will provide financial assistance to agricultural producers for needed soil, water, woodland, and wildlife conservation on agricultural lands; to Agriculture & Forestry Comm.

Sen. Moss introduced S. 3311, to amend the Federal Power Act, to provide coordinated long-range planning and facility siting in the electric utility industry; to Commerce Comm.

Rep. Michel introduced, H.R. 13208, to consolidate Federal financial assistance to States for child nutrition programs, to focus such assistance on children most in need and to simplify the administration of such assistance; to Education & Labor Comm.

Rep. Steiger of Arizona introduced H.R. 13217, to provide for the conveyance of certain mineral rights in and under certain lands near Palo Verde, Ariz.; to Interior Comm.

The House Judiciary Committee filed its report (HRpt. 94-1038) on S. 2129, "Indian Crimes Act of 1976".

TENTATIVE CONGRESSIONAL COMMITTEE SCHEDULES

1976

- 4/26 Markup-Senate Labor & Public Welfare Committee, Subcommittee on Employment-S1695, H.R. 11453, to extend Title VI of CETA.
- 4/27 Hearing-Senate Indian Affairs Subcommittee-S. 2780, Court of Claims continuation of Sioux Black Hills claims case.
- 4/28 Markup-Senate Interior Committee-S. 877, Zuni lands S. 2144, A/S for Indian Affairs.
- 4/29 Markup-House Indian Affairs Subcommittee-H.R. 11909, Indian Claims Commission authorization FY 1977.
- 5/3 Hearing-Senate Indian Affairs Subcommittee-on Interior Secretary's decision re Quechan Tribes land claim.
- 5/4 Hearing-House Subcommittee on Water & Power Resources-H.R. 8777, authorize the construction operation, and maintenance of the Oroville-Tonasket unit extension, Chief Joseph Dam project, Washington.
- 5/5 Markup-House Interior Full Committee-H.R. 5224, BIM Organic Act, Public Land Policy.
- 5/7 Hearing-Senate Small Business Committee-SBA surety bond program.
- 5/11,14  
&18,-21 Markup-House Agriculture Committee-Amendments to the Food Stamp Act.
- 5/14 Hearing (Oversight)-Senate Small Business Committee-SBA 502, community development program.
- 5/17 Hearing-Senate Indian Affairs Subcommittee-S. 2652, Exempt Indian trust information from Freedom of Information Act.
- 5/21 Hearing-Senate Small Business Committee-Continue SBA hearing on financial assistance programs.
- 6/10 Hearing (Oversight)-Senate Interior Committee-On Alaska Native Claims Settlement.

- 6/11 Hearing-Senate Small Business Committee-S. 849 & H.R. 12096, on SBA financial assistance to the single and multi-family housing industry.
- 4/26& 5/7 Markup-House Appropriations Committee-to be completed Full consideration of bills May 24 to June 4. Floor action June 15 to July 2; conference reports to be filed by Sept. 1.
- 5/19 Markup-Full Interior Committee-H.R. 1863, Coal Slurry Pipeline.
- TBA Hearing-House Subcommittee on Indian Affairs-on Actions on proposed tribal land consolidation.
- TBA Markup-House Indian Affairs Subcommittee, H.R. 11258, A/S for Indian Affairs; S. 1659, Grand River Band Ottawa judgment; hearing to be scheduled for S. 2634, Indian Postsecondary education institutions.



TO SCHEDULE NON-FEDERAL WITNESSES

Hearings--Senate Indian Affairs Subcommittee:

Communicate with Forrest Gerard, Room 3106, Dirksen  
Senate Office Building, United States Senate,  
Washington, D. C. 20510  
Phone: (FTS 202-224-7143)

Hearings--House Indian Affairs Subcommittee:

Communicate with Franklin Ducheneaux, Room 422 House  
Congressional Annex, House of Representatives,  
Washington, D. C. 20515  
Phone: (FTS 202-225-1684)

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CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
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STATUS OF LEGISLATION  
94th CONGRESS

SENATE

Ending: April 14

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Criminal Justice Reform Act - Revision of Title 18 USC "Crimes and Criminal Procedures" and related laws. Includes (1) authorities for BIA police; (2) continues current Indian county definition; (3) adds 9 to current 13 major crimes; (4) continues P.L. 280, Kansas &amp; N.Y. State jurisdiction; authorizes tribal retrocession of State jurisdiction; (5) repeals Indian liquor laws but continues express authority for tribal liquor regulation; (6) continues Indian lands hunting &amp; fishing trespass and boundary sign destruction laws; (7) continues conflict of interest exemption for Federal employees assigned to or employed by tribes; (8) increases tribal court maximum fine from \$500 to \$10,000; (9) authorizes compensation for injured or killed victims of crimes. (see S. 1263; S. 2129)</p>	<p>S. 1 (H.R. 333; 3907; 6799)-McClellan, Hruska, Bayh, Eastland, Fond, Griffin, Mansfield, Moss (Utah), Scott (Pa.), Taft &amp; Tower- 1/15/75 [Judiciary] 8/1/75-Draft amended bill 12/1/75-Draft Comm. Rpt.</p>
<p>Authorizes the President to designate the fourth Friday in September as National Indian Day.</p>	<p>S.J.Res. 44 (H.J.Res. 394; H.R. 6879)- -Fannin-2/28/75 [Judiciary] 5/7/75-SRpt. 94-106 5/8/75-Passed as repton. 5/9/75-Trans. to P.O &amp; C.S. Comm.</p>
<p>Nantucket Sound Island Trust, includes Wampanoag Tribe Recognition (Indian Common Lands in trust as Reservation).</p>	<p>S. 67 (H.R. 1629)-Kennedy-1/15/75 [Parks &amp; Recreation] 9/8/75-Dept Rpt to Comm. 11/25/75-SRpt. 94-493 12/8/75-Passed as repton. 12/9/75-To House Interior</p>
<p>Authorizes the Secretary to make grants for construction, maintenance and operation of an Indian Art &amp; Cultural Center, Wind River Reservation, Wyo.</p>	<p>S. 150 (H.R. 7151)-Hansen-1/15/75 [Parks &amp; Recreation] 5/75-Hearing scheduled but cancelled</p>
<p>Establishing the Hawaiian Aboriginal Claims Settlement Study Commission.</p>	<p>S.J.Res. 155 (H.R. 1944)-Inouye- 12/18/75 [Interior Full Comm] 2/9 &amp; 10/76-Field Hearings</p>



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Ending:

TITLE OR DIGEST OF BILL

Bill Nos. &  
ACTION TAKEN

Amend Act relating to the Lumbee Indians of N. C. Verifies eligibility for Federal benefits extended to nonfederally recognized Indian tribes. No. BIA or IHS benefits.

S. 159 (H.R. 4007)-Helm-1/16/75

To designate turquoise as the National gemstone of the United States

S.J.Res. 160-Domenici-1/2/76  
[Judiciary]

Authorize & direct the ICC to determine the amount of a claim of the Seminole Nation of Oklahoma

S.J.Res. 170 (H.J.Res. 710)-Bartlett-  
2/17/76

Private relief-Willard & Nicole Allen, directs the Sec. of Treasury to pay a claim against the U.S. due to land sale error by BIA personnel on Wind River Reservation.

S. 209-McGee-1/17/75  
4/24/75-Dept. Rpt. to Comm.  
4/25/75-Senate Hearing  
12/16/75-SRpt. 94-566  
12/17/75-Passed as reptd.  
12/18/75-To House Judiciary

Condemnation of Pueblo lands-Repeal provisions of existing Federal law authorizing condemnation of the lands of the Pueblo Indians in New Mex. House amendment permits renewal or widening of existing rights-of-way with Interior Sec. approval and without Pueblo approval if no agreement reached with right-of-way owner.

S. 217 (H.R. 2908)-Domenici-1/17/75  
4/24/75-Dept. to Comm.  
4/25/75-Senate Hearing  
5/14/75-Markup & ordered rept. w/amend.  
5/20/75-SRpt. 94-148  
5/21/75-Passed, amended  
5/22/75-To House Interior  
7/24/75-House Hearing  
1/29/76-HRpt. 94-800  
2/2/76-Passed, amended  
4/5/76-Senate disagreed to House amend-  
ment & requested conference.

Amends the Internal Revenue Code of 1954 to allow the same tax treatment for recognized Indian tribes as is applicable to States and other governmental units.

S. 386 (H.R. 8989)-Packwood-1/27/75  
[Finance]



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94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Amends the Social Security Act by increasing the Federal share of State expenditures for medical assistance provided to Indians who are eligible for medical care under the Indian Health Service program of the PHS.	S. 403-Fammin-1/27/75 [Finance]
Amends the Social Security Act by increasing the Federal share of the public assistance benefits provided by a State to Indians, Aleuts, Native Hawaiians and other aboriginal persons for aid to dependent children (presently effective in two States), supplemental security income and medicaid.	S. 437 (H.R. 1591)-Metcalf-1/28/75 [Finance]
Declares that all right, title, and interest of the U.S. in approximately 2,640 acres of land in the State of Nevada are hereby held by the U.S. in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation.	S. 414 (H.R. 2855)-Cannon-1/27/75
Declares that all right, title and interest of the U.S. in approximately 90 acres of specified lands in Nevada is to be held in trust for the Ely Indian Colony.	S. 415-Cannon-1/27/75
Authorizes the use of facilities at the Owyhee Indian Hospital of the Duck Valley Indian Reservation in Nevada to provide nonemergency medical care on a fee-for-service basis to non-Indians.	S. 416 (H.R. 2921)-Cannon-1/27/75 [Interstate & Foreign Commerce]
Provides retirement benefits for BIA & IHS employees who have completed 20 years of service, served continuously from 6/17/74 and are not entitled to Indian preference. (see H.R. 5465)	S. 509 (H.R. 4988; 5858; 5968; 11479) -Stevens-1/30/75 [P.O. & C.S] 6/17/75-Dept Rpt. to Comm. 6/18/75-Senate Hearing

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SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Directs HEW to make grants and provide scholarships to encourage Indians to enroll in health-related training programs. Authorizes HEW to expend funds to better meet Indian Health care needs to provide hospitals and other health facilities, to supply urmet needs for safe water and sanitary waste disposal facilities. Requires HEW to contract with urban Indian organizations to establish and administer health programs to benefit urban Indians. Authorized health care facilities &amp; staff for BIA schools. Requires new HEW-HUD-BIA agreement on Housing production to coordinate waters &amp; sewerage facilities. (see H.R. 11530-Soboba)</p>	<p>S. 522 (H.R. 2525)-Jackson-2/3/75 4/15/75-Dept. Rpt. to Comm. 4/16/75-Markup 5/13/75-SRpt. 94-133 5/16/75-Passed, amended 5/22/75-To House Interior</p>
<p>Provides that approximately 418 acres needed by the Three Affiliated Tribes of the Ft. Berthold Reservation, North Dak., and not needed for the purpose of the Garrison Dam Project, are hereby restored to the tribal ownership of the Three Affiliated Tribes.</p>	<p>S. 540 (H.R. 7628)-Burdick-2/3/75 6/5/75-Dept. Rpt. to Comm. 6/6/75-Senate Hearing</p>
<p>Establishes Wounded Knee Compensation Board to compensate lossess arising from the occupation of Wounded Knee, So. Dak., between 2/27/73 and 5/8/73. Provides payment for personal injury and property damages.</p>	<p>S. 545 (H.R. 3914; S. 2907; S. Res. 378) -McGovern-2/3/75 [Banking, Housing &amp; Currency] 7/21/75-Senate Hearing 10/1/75-To Judiciary</p>
<p>Authorizes the Secretary of HEW to make grants for child and family service programs and for the training of professionals &amp; paraprofessionals in the child development.</p>	<p>S. 626 (H.R. 8179)-Mondale-2/7/75 [Labor &amp; Public Welfare] 2/20/75-Senate Hearing 3/21/75-Joint Hearings</p>
<p>As introduced, included authority for tribal governing body to develop regulations to eliminate or preclude unfair or deceptive acts and practices in commerce. Also declared that tribal governing body shall have the exclusive authority to license reservation traders. Senate Comm. Amendment by Senate Comm. eliminated all Indian provisions without comment.</p>	<p>S. 642-Moss-2/2/75 [Commerce] 4/15/75-Senate Hearing 12/16/75-SRpt. 94-564) 12/17/75-Passed as repta. 12/18/75-Jointly to Interstate &amp; Foreign Commerce &amp; Judiciary</p>

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Authorizes subject to the provisions of the constitution of the Three Affiliated Tribes of the Ft. Berthold Reservation, No. Dak., and the approval of the Sec. of Interior, the Three Affiliated Tribes to execute mortgages on land purchased by the Tribes to finance the purchase of land within the boundaries of the reservation.	S. 734-Burdick-2/18/75
To assist certain employees of the United States in finding other employment in the Civil Service. (see H.R. 5465)	S. 771 (S. 509)-McGee-2/20/75 [P.O. & C.S.] 6/18/75-Hearing w/S. 509
Authorizes appropriation for IOC for FY 1976	S. 876 (H.R. 3979)-Jackson-2/27/75
Directs the Secretary of Interior to acquire specific lands in New Mex., to be held in trust for the Zuni Indian Tribe. Authorizes Zuni Tribe to file land claims suit against United States.	S. 877 (H.R. 4212)-Montoya-2/27/75 6/5/75-Dept. Rpt. to Comm. 6/6/75-Senate Hearing 4/29/76-Markup scheduled
Authorizes appropriations of such sums as are necessary for FY's 76 & 77 to carry out National School Lunch Act programs. Authorizes appropriation of \$100,000 for each FY's 75,76,& 77 for grants to State health departments, Indian tribes, or the IHS for supplemental food, etc.	S. 891 (H.R. 3691)-Hartke-2/28/75 [Agriculture & Forestry] 4/22/75-Senate Hearing
Confers jurisdiction upon the United States District Court for Oregon to render judgments on any claims filed by the Coos, Lower Umpqua and Suislaw Indian Tribes for alleged taking of their ancestral lands without payment by the United States.	S. 945-Hatfield-3/4/75
Marine Fisheries Conservation Act of 1975	S. 961 (H.R. 200)-Magnuson-3/5/75 [Commerce] (see H.R. 200 6/6/75-Senate Hearing 10/7/75-SRpt. 94-416, amended 10/7/75-to Foreign Relations 11/18/75-SRpt. 94-459 (Rereferred to Armed Services 12/8/75-SRpt. 94-515 1/28/76-Passed, amended



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Ending:

TITLE OR DIGEST OF BILL

Bill Nos. &  
ACTION TAKEN

To assist the States to develop and implement State land resource programs and to assist Indian tribes to inventory and plan the use of reservation and other tribal lands.

S. 984 (H.R. 3510)-Jackson-3/6/75  
[Environment & Land]  
4/23, 24 & 29 also 5/2/75-Hearings

Establishes the Indian Trust Counsel Authority to render legal services necessary to preserve, protect, adjudicate, or administer rights or interests of Indians to or in natural resources within the U. S. trust responsibility owing to the Indians.

S. 1002-Abourezk-3/7/75  
3/15/75-Dept. proposed Rpt.  
6/20/75-Dept. Rpt. to Comm.

Establishes the Indian Nations Scenic Trail, extending from the Red River, Okla., thru the former Indian nations to the Oklahoma-Kansas boundary line.

S. 1123-Bartlett-3/10/75  
5/19/75-SRpt. 94-144  
5/21/75-Passed as repled.  
5/22/75-To House Interior Comm.

Authorizes the payment of \$3,000 in compensation to each Sioux Indian man, woman, or child or his or her heirs who suffered death or bodily injury in the massacre of the Sioux Indians at Wounded Knee Creek, So. Dak., 12/29/1890.

S. 1147 (S. 2900) (H.R. 12009)-  
Abourezk-3/11/75 [Judiciary]  
2/5/76-Dept. Rpt. to Comm.  
2/5/76-Senate Hearing  
2/6/76-Interior witness

Provides that any Indian who commits the offense of kidnapping within Indian country shall be subject to the exclusive jurisdiction of the United States (amends 18 USC 1153).

S. 1263 (H.R. 2470; 7592)-Abourezk-  
3/20/75  
[Judiciary] (incorporated in S. 1 &  
S. 2129)

Provides for the ICC Cowlitz judgment distribution (1) \$10,000 for the purchase of lands for the purchase of lands for the Cowlitz Tribe; (2) the balance to be distributed per capita.

S. 1334 (H.R. 5090)-Jackson-3/26/75  
9/24/75-Dept. Rpt. to Comm.  
9/26/75-Senate Hearing

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SENATE

Ending:

TITLE OR DIGEST OF BILL

Bill Nos. &  
ACTION TAKEN

Provides that the State of Utah may relinquish tracts of school land, including mineral rights, within specified areas of the Navajo Reservation to U.S. in trust for Navajo Tribe. Provides that Utah may select other unreserved lands in Utah equal in area to those relinquished.

S. 1363-Moss-4/7/75

Stipulates that payments under the State and Local Government Fiscal Assistance (General Revenue Sharing) Act which are waived by the Indian tribe or Alaskan native village entitled to receive them shall become part of the entitlement of the county government in which such tribe or village is located.

S. 1625 (H.R. 7840)-Hathaway-5/1/75  
[Finance]

Grand River Band of Ottawa-Dkt. 40-K. Sets forth the method for distribution of the funds appropriated to pay ICC judgment.

S. 1659-Hart-5/6/75  
9/25/75-Dept. Rpt. to Comm.  
9/26/75-Senate Hearing  
10/18/75-SRpt. 94-577, amended  
12/19/75-Passed, amended  
1/19/76-To House Interior  
3/2/76-Dept. Rpt. to Comm.  
3/4/76-House Hearing



Title I authorizes tribes to retrocede State jurisdiction to tribes or Federal Govt.; Title II directs the Secretary to make grants to, and contract with Indian tribes to implement programs and projects to improve law enforcement and the administration of justice within Indian country and reservations (PL280)

S. 2010 (S. 1328)-Jackson-6/26/75  
12/3/75-Hearing-Indian witnesses  
3/4/76-Dept. Rpt. to Comm.  
3/4/76-Hearing-State & non Indian wit.  
3/5/76-Hearing-Interior/Justice wit.

Declares title to certain lands in the State of New Mexico to be held in trust by the U. S. For the Ramah Band of Navajo Tribe.

S. 2072 (H.R. 8533)-Domenici-7/9/75

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>"Indian Crimes Act of 1976" Stipulates that Indians committing certain listed crimes within Indian country shall be subject to the same laws &amp; penalties as all other persons committing such crimes within the exclusive territory. (see S. 1)</p>	<p>S. 2129 (H.R. 7592)-Fannin-7/16/75 2/12/76-Dept. Rpt. on H.R. 7592 to Com. 2/2/75-SRpt. 94-620 2/4/76-Passed as repled. 2/5/76-To House Judiciary 3/9/76-House Hearing (Justice Dept. wit) 4/13/76-HRpt. 94-1038</p>
<p>Creates the position of A/S for Indian Affairs within the DOI. Authorizes the Sec. of Interior to delegate functions relating to Indian Affairs to the A/S. Revises title 25 USC provisions to eliminate references to Commissioner of IA thereby conforming to 1948 Reorganization Plan.</p>	<p>S. 2144 (H.R. 4344; 8536; 11258)- Jackson-7/21/75 5/19/75-Dept. proposal 8/15/75-(Dept. Rpt. to Comm. w/ technical amendment). 3/4/76-House Hearing 4/29/76-Markup scheduled</p>
<p>Amends the Omnibus Crime Control and Safe Streets Act of 1968 to revise provisions relating to grants to Indian tribes.</p>	<p>S. 2212 (H.R. 9236)-Hruska-7/29/75 [Judiciary] 2/20/76-Senate Hearing</p>
<p>Imposes penalties for allowing livestock to graze on any trust or restricted land of any Indian or Indian tribe without authorization.</p>	<p>S. 2235-Fannin-7/31/75 7/23/75-Dept. proposed Rpt.</p>
<p>Provides that four publications detailing the history of the Indian tribes of Nevada shall be subject to copyright by the Inter-Tribal Council of Nevada.</p>	<p>S. 2355-Cannon-9/17/75 [Judiciary]</p>
<p>Amend CETA of 1973 to permit certain Indian tribes to qualify under Title I of that Act.</p>	<p>S. 2399 (H.R. 11453)-Domenici-9/24/75 [Labor &amp; Public Welfare]</p>
<p>Relating to certain business transactions carried out within the exterior boundaries of Indian reservations.</p>	<p>S. 2362-Abourezk-9/17/75</p>

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Yahtay Industries, N. Mex., to authorize the Sec. of Interior to cancel certain obligations of the Yahtay Industries, Inc., Jemez Pueblo	S. 2490-Montoya-10/7/75
Pertaining to the enrolled members of the Umatilla Indian Reservation.	S. 2552 (H.R. 2064; 13059); Hatfield-12/22/75
Land consolidation & development of the Umatilla Indian Reservation.	S. 2553 (H.R. 2065)-Hatfield-10/30/75
Amend Menominee Restoration Act, to make Tribes eligible for joint IHS and Hill Burton program hospital funding.	S. 2581-Nelson-10/28/75 [Labor & Public Welfare]
HEW grants to Indian postsecondary educational institutions.	S. 2634 (H.R. 11220)-Abourezk-11/6/75 3/12/76-Dept. Rpt. to Comm. 3/15/75-Senate Hearing
To exempt Indian trust information from Freedom of Information Act disclosure requirements.	S. 2652-Domenici-11/11/75 4/ /76-Dept. Rpt. to Comm. 5/17/76-Hearing Scheduled
Amend ICC Act of 8/13/46; authorize continuation of Sioux Black Hills case without regard to res judicata decision of Court of Claims.	S. 2780 (H.R. 12645)-Abourezk-12/12/75 4/ /76-Dept. Rpt. to Comm. 4/27/76-Hearing Scheduled
Restoration of the Confederated Siletz Tribe of Oregon.	S. 2801 (H.R. 11221)-Hatfield-12/17/75 3/29/76-Dept. Rpt. to Comm. 3/30&31/76-Senate Hearing
To authorize certain financial assistance to Haskell Indian Junior College, Lawrence, Kansas	S. 2882-Pearson-1/28/76 [Labor & Public Welfare]

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
To provide for per capita payment to persons of Southern Paiute lineal descent who did not participate under the Act of 10/17/65, providing for disposition of judgment funds to Southern Paiute in ICC dkts. 88, 330 & 330-A.	S. 2883-Moss-1/28/76
Wounded Knee massacre (see digest of S. 1147)	S. 2900-Abourezk-1/29/76 2/5/76-Senate Hearing
Occupation of Wounded Knee (see digest of S. 545)	S. 2907-McGovern;Abourezk;Hruska- 1/30/76 [S. Res. 378-Byrd-2/2/76]
To reinstate the Modoc, Wyandotte, Peoria, and Ottawa Indian Tribes of Okla., as federally supervised and recognized Indian tribes.	S. 2968 (H.R. 11018)-Bartlett-2/17/76
Authorize Appropriation for the ICC of FY 1977.	S. 2981 (H.R. 11909)-Metcalf-2/17/76 4/6/76-SRpt. 94-737 4/9/76-Passed, as repta.
Federal Energy Development Impact Assistance Act of 1976 (see digest of H.R. 11772)	S. 3007 (H.R. 11772)-Jackson-2/19/76
Amend section 6 of the ANCSA.	S. 3088-Metcalf-3/4/76
National Food Stamp Reform Act of 1976.	S. 3136-Talmadge-3/13/76 [Agriculture & Forestry] 3/13/76-SRpt. 94-697 4/8/76-Passed, as repta.
Financial Assistance for Elementary & Secondary	S. 3166 (H.R. 12196)-Beall-3/17/76 [Labor & Public Welfare] 4/7/76-Comm. req. rept from Dept.



NOTE: Bills Referred to  
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CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
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STATUS OF LEGISLATION  
94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	BILL NOS. & ACTION TAKEN
Providing for the study of formulation of legislative proposals as to, the implementation of the transfer of mineral interests under the Northern Cheyenne Allotment Act, (act of 6/3/26 (44 Stat. 690), as amended.	S. 3206-Metcalf/Mansfield-3/25/76
To require that funds collected through grazing fees be expended solely for range improvement purposes except where otherwise specifically designated for payment to State or Indian tribes.	S. 3212-Cannon-3/26/76 [Agriculture]
To provide water to the Five Central Arizona Indian tribes for farming operations and to settle their surface water right.	S. 3298-Kennedy-4/13/76

NOTE: Bills Referred to  
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STATUS OF LEGISLATION  
94th CONGRESS

HOUSE

Ending: April 14

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Establishes the United States fishery zone within a boundary line drawn 200-miles from the inner boundary of the territorial sea.	H.R. 200 (S. 961)-Studds-1/14/75 [Merchant Marines & Fisheries] 8/20/75-HRpt. 94-445 10/9/75-Passed as reptd. 1/29/76-In Conference 3/24/76-HConf. Rpt. 94-948 3/24/76-SConf. Rpt. 94-711 3/30/76-Cleared for President
Authorizes the return of the remains of Pocahontas to the United States. Directs the establishment of the Pocahontas Memorail under the direction of the Secretary of Interior.	H.J. Res. 391; 459;-Fish-4/15/75
Authorizes the Secretary of Interior to establish a program of direct Federal employment to improve environmental quality and natural resources management (including Indian reservation lands).	H.R. 552-Koch-1/14/75
Authorizes the Secretary of Interior to relieve the Santa Ynez Water Conservation District, Calif., of payments due the U.S. for repayment of a Small Reclamation projects loan in the amount of \$1,120 per year due to the delivery of water to the Santa Ynez Indian Reservation lands within such district.	H.R. 589 (S. 2179)-Lagomarsino-1/14/75 6/5/75-Dept. Rpt. to Comm. 6/6/75-House Hearing 9/15/75-HRpt. 94-475 10/6/75-Passed, as reptd. 10/7/75-To Senate Interior Comm.
Provides that programs will be carried out thru grants made directly to units of local government with particular attention being given to the needs of Appalachia and Indian Tribes.	H.R. 652-Murphy-1/14/75 [Education & Labor]
Authorizes the Sec. of Interior to convey to 29-Palms Band of Mission Indians beneficial interest in specified lands. Directs the Secretary to distribute from funds of the Cabazon Band of Mission Indians the amount of \$2,825 plus interest to the 29-Palms Band.	H.R. 1465-Pettis-1/15/75 7/3/75-Dept. Rpt. to Comm. 7/8/75-House Hearing 9/15/75-HRpt. 94-476 10/6/75-Passed as reptd. 10/7/75-To Senate Interior 4/6/76-SRpt. 94-738 4/9/76-Passed, as reptd. & cleared for President.

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94th CONGRESS

HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Conveys specified federally owned cemetery land in Calif., to the 29-Palms Park & Recreation District Provides that such land shall be used only as an Indian cemetery and historical museum site of general interest to the public.	H.R. 1466-Pettis-1/15/75 [Environment & Land Resources] 7/7/75-Dept. Rpt. to Comm. 7/8/75-House Hearing 9/15/75-HRpt. 94-477 10/6/75-Passed, amended 10/7/75-To Senate Interior 2/26/76-Senate Hearing 3/31/76-SRpt. 94-729 4/1/76-Passed as reptd. & cleared for President. 4/11/76-P.L. 94-262
For the relief of Judy Ann Allen, et al., re late enrollment in California award.	H.R. 2120-Talcott-1/23/75 [Judiciary]
Indian Health Care Improvement Act (contents of H.R. 11530 added to this bill)	H.R. 2525 (S. 522)-Meeds-1/31/75 (H.R. 2526; 3261; 3351; 7852) 9/25/75-House Hearing 4/9/76-HRpt. 94-1026 (Pt. 1)
Provides for compensation to the Cherokee Nation for the loss of specified lands. States that no more than 10 percent of the amount of the claim shall be received by any agent or attorney on account of services rendered with respect to each claim.	H.R. 2720-Risenhoover-2/4/75
Authorizes to be appropriated not to exceed \$1,450,000 to carry out the provisions of the ICC Act during FY 1976 (see S. 2981; H.R. 11909)	H.R. 3979 (S. 876)-Meeds-2/27/75 6/9/75-HRpt. 94-268 6/16/75-Passed, as reptd. 6/17/75-To Senate Interior 7/31/75-SRpt. 94-360 8/1/75-Passed, amended 9/17/75-House asked for conference 10/2/75-Senate agreed to conference 11/3/75-Conferrees met
Assistant Secretary for Indian Affairs (see S. 2144)	H.R. 4344(H.R. 8536; H.R. 11258-Young- 3/5/75 3/2/76-Dept. Rpt. to Comm. 3/4/76-House Hearing

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HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
For the relief of Oscar Barnett--To remove land title cloud, Mississippi Choctaw vicinity.	H.R. 4941 (S. 1238)-Montgomery-3/13/75 [Environment & Land Resources] 4/24/75-Dept. Rpt. to Comm. 4/25/75-House Hearing 11/25/75-HRpt. 94-682 12/17/75-Passed as repton. 12/17/75-To Senate Interior 3/31/76-SRpt. 94-730 4/1/76-Cleared for President
Cowlitz Judgment Distribution	H.R. 5090 (S. 1334)-Meeds-3/18/75 4/16/75-Dept. Rpt. to Comm. 4/17/75-House Hearing 9/15/75-HRpt. 94-479, amended 12/16/75-Passed, amended 12/17/75-To House Interior
Allow employment preference to certain BIA & IHS employees not entitled to benefits of, or who have been adversely affected by the application of Federal laws allowing employment preference to Indians and who seek employment in other Federal	H.R. 5465 (S. 509)-Henderson-3/25/75 [P. O. & C. S. ] 2/2/76-Dept. Rpt. to Comm. 2/3/76-House Hearing 4/2/76-HRpt. 94-1003
(See digest of S. 509 and the above H.R. 5465)	H.R. 5858 (H.R. 5968; 4988; 11479)- 4/10/75 [P.O. & C.S.]
For the relief of Daryl Mahoney delayed moving expenses reimbursement .	H.R. 6750-Bell-5/6/75 1/14/76-Dept. Rpt. to Comm.
Authorizes the Secretary of Interior to construct, operate, and maintain permanent conveyance facilities for the principal purpose of delivering a municipal and industrial water supply for the city of Yuma, Arizona. Authorizes the Secretary to locate a pipeline conveyance system and appurtenances or lands within the exterior boundaries of the Fort Yuma Indian Reservation.	H.R. 8177-Steiger-6/24/75 9/18/75-Dept. Rpt. to Comm. 9/19/75-House Hearing

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94th CONGRESS

HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Federal Aid Highway Act of 1976-- Amends Federal Aid Highway Act of 1965 to authorize appropriation for Indian roads and bridges, \$20,750,000 for the 3-month period ending 9/30/76 \$83,000,000 for FY 1977 and \$83,000,000 for FY 1978.	H.R. 8235 (S. 2711)-Howard-6/25/75 [Public Works and Transportation] 7/9/75-House Hearing 12/11/75-HRpt. 94-716 12/18/75-Passed, ss reptd. 1/19/76-Passed Senate, amended 1/20/76-Senate ask for Conference 1/20/76-House agreed to conference 4/7/76-HConf.Rpt. 94-1017 4/8/76-SConfRpt. 94-741 4/13/76-House & Senate agreed and cleared for President.
Directs the Secretary of Interior to hold certain lands in trust for the Pascua Yaqui Indians upon request by the Pascua Yaqui Assoc., Inc. Recognize and declares eligibility of Pascua Yaqui people who are members of the Assoc., Inc., for services and assistance provided to Indians because of their status as Indians by any department, agency, or instrumentality of the United States.	H.R. 8411-Udall-7/8/75
Extends, under CETA of 1973, the coverage of specified manpower programs contained in such Act to Native Hawaiians.	H.R. 8433-Mink-7/8/75 [Education & Labor]
"Energy Conservation"-Authorizes the Administrator of the Federal Energy Administration to make grants to State Governors and the Mayor of the District of Columbia for weatherization of dwellings of low-income persons, including funds for weatherization of Indian homes.	H.R. 8650 (H.R. 7958)-Barrett-7/15/75 [Banking, Currency & Hosuing] 7/9/75-House Hearing 7/22/75-HRpt. 94-377 9/8/75-Passed, amended 9/9/75-To Banking, Housing & Urban Aff. 2/3/76-SRpt. 94-623 3/9/76-Passed, as reptd. 3/15/76-House Conference requested. 3/18/76-Senate Conference requested.



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94th CONGRESS

HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Amends the Social Security Act to stipulate that income and resources deriving from reserved Indian lands shall be disregarded in determining eligibility for, or the amount of, benefits payable to Indian people under aid to families with needy children programs and aid and medical assistance for the aged, blind, or disabled.	H.R. 9532-Melcher-9/10/75 [Ways & Means]
Surface Mining Control and Reclamation Act of 1976 *	H.R. 9725 (H.R. 12474 & 12475)-Melcher-9/19/75 3/15/76-HRpt. 94-896
To extend the protection of section 1114, of title 18, USC, to officers and employees of the IHS of US.	H.R. 11390-Andrews-1/20/76 [Judiciary]
To establish a Department of Education which includes the transfer of BIA schools to the new Department.	H.R. 11424-Litton-1/20/76 [Government Operations]
Emergency Employment Project Amendment of 1976	H.R. 11453 (S. 2399)-Dominick-1/22/76 [Education & Labor] 2/3/76-HRpt. 94-804 2/10/76-Passed, as repled. 2/16/76-To Senate Labor & Public Welfare Comm.
To permit the Soboba Band of Mission Indians to participate in IHS sanitation facilities programs on the same basis as other federally recognized Indian groups. (Content of bill added to H.R. 2525 by Interior Committee 3/2/76).	H.R. 11530-Pettis-1/27/76
To provide for the striking of a commemorative medal honoring the American Indian heritage	H.R. 11531-Shriver-1/27/76 [Banking, Currency & Housing]

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94th CONGRESS

HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Commemoration of the opening of the Cherkee Strip to homesteading.	H.R. 11886-Skubitz-2/11/76
Authorize appropriation for the IOC for FY 1977	H.R. 11909 (S. 2981)-Meeds-2/17/76 3/18/76-House Hearing 4/29/76-Markup scheduled
Declares U.S. hold in trust for the Pueblo of Santa Ana certain public domain lands.	H.R. 12003, 04, 05-Lujan-2/19/76
To amend the Johnson-O'Malley Act (25 USC 452 et seq)	H.R. 12237-Abdnor-3/1/76

## RETIREMENT BENEFITS FOR CERTAIN EMPLOYEES OF INDIAN AGENCIES

MAY 13, 1976. Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H.R. 5465]

The Committee on Post Office and Civil Service, to which was referred the bill (H.R. 5465) to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes having considered the same, reports favorably thereon with an amendment and an amendment to the title, and recommends that the bill as amended do pass.

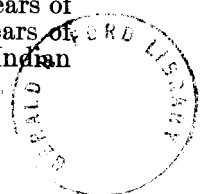
#### AMENDMENT

The Committee amendment to H.R. 5465 strikes all after the enacting clause and inserts new language.

The new language inserted is that of the bill S. 509 with two changes, both of which pertain to the criteria to be met by an employee if he is to establish eligibility for an annuity under the provisions of the bill. One would require that the employee complete 25 years of service or, after becoming 50 years of age, complete 20 years of service. The second would require that an affected employee demonstrate that he has been passed over on at least two occasions for promotion, transfer, or reassignment to a position representing career advancement because of a law granting a preference to Indians in promotions and personnel actions.

#### PURPOSE

The purpose of the bill is to extend to certain non-preference employees of the Bureau of Indian Affairs, Department of the Interior, and the Indian Health Service, Department of Health, Education, and Welfare, improved retirement provisions to off-set their loss of competitive status for promotions and transfers. The benefits accorded by the bill are authority to retire on an immediate annuity prior to December 31, 1985, provided the employee has completed 25 years of service or after becoming 50 years of age has completed 20 years of service and has been continuously employed in the Bureau of Indian





Affairs or the Indian Health Service since June 17, 1974, is not otherwise entitled to full retirement benefits, and has been passed over on two occasions because of the application of the Indian preference laws; and an annuity computation formula providing that an employee covered by the bill shall receive 2½ percent of his "average pay" for each of the first 20 years of service and 2 percent for each year thereafter.

#### BACKGROUND

The Federal policy of accõrding some hiring preference to Indians in the Indian service dates to at least 1834, though the present statute giving rise to the bill is the Wheeler-Howard Act of 1934, which reorganized the administration of Indian affairs and accorded an employment preference for qualified Indians.

For reasons which are not entirely clear, the Indian preference provision of the 1934 Act, codified in section 472 of title 25, United States Code, was not enforced beyond the stage of initial appointment until 1972. Subsequent to the extension of Indian preference to other personnel actions, such as promotions to fill vacancies for which an Indian and a non-Indian were competing, two lawsuits were decided which reaffirmed the preference and its application to promotions, reassignments to vacant positions, and assignments to training programs (*Freeman v. Morton*, 499 F. 2d 494 and *Morton v. Mancari*, 417 U.S. 535).

Administration witnesses before the Committee agreed that employees hired by the affected agencies had, until relatively recently, understood that they enjoyed full competitive status for personnel actions subsequent to initial appointment. The policy of the Bureau of Indian Affairs was stated in section 2 of an August 18, 1966, Personnel Management Letter from the Commissioner:

2. POLICY.—It is the policy of the Bureau to give preference in initial employment and re-employment to qualified individuals of one-fourth or more degree Indian blood. This preference applies only when an appointment action is taken. In cases other than the granting of Indian preference at the time of appointment, equal employment opportunity is provided, on a competitive basis, for all qualified persons, without regard to race, creed, color, national origin, sex, marital status, or physical handicap. This policy shall apply to recruitment, employment, promotion, transfer, selection for training, and all other personnel actions, programs, and practices.

While opposing the proposed legislation, Administration witnesses also conceded that the position in which the non-preference employees of the Indian service find themselves is unique in the Federal service. So long as a qualified Indian applicant is available, these employees do not enjoy equal opportunity for career advancement. Thus, the law—or at least the Government's failure to properly interpret and enforce it for a long period—has had a deleterious effect on these employees.

The Committee is aware, too, that the provisions of the recently enacted Indian Self-Determination Act which authorizes tribes to contract services presently delivered by the Bureau of Indian Affairs

and Indian Health Service could have far-reaching impact on these employees and possibly on Indian employees as well, since there can be no guarantee that the present employees would be retained under such contracts.

That impact, however, is not ascertainable at this point since the pertinent provisions of the Self-Determination Act did not become effective until November, 1975.

The Committee does intend to observe the impact of that Act (P.L. 93-638) on career employees closely.

#### STATEMENT

S. 509 was introduced in the Senate on January 30, 1975, by Senator Stevens with the cosponsorship of Senators Montoya and Domenici. The substance of S. 509 has been substituted for H.R. 5465, a bill referred to the Committee on May 4, 1976.

The bill is intended to redress the loss of career opportunity and concomitant economic loss incurred by those non-preference employees of the Bureau of Indian Affairs and Indian Health Service who have pursued careers in the civil service under the impression that they enjoyed full competitive status and who have been affected by strict application of the Indian Preference Act.

The Committee in no way questions the Indian preference law itself. Rather, it sees the bill as a step toward fuller realization of Indian self-determination. Many non-preference employees may be able to take advantage of careers outside the Indian agencies, but for many others such opportunities are severely restricted if they exist at all. It makes no sense, in the Committee's view, to have non-Indian employees who find promotional opportunities closed to them and who thus feel trapped in dead-end jobs administering Indian programs and encumbering these positions while equally frustrated but highly motivated and qualified Indian people must wait for them to eventually vacate these positions before they can gain more control over their own affairs.

As one non-Indian employee testified to the Subcommittee on Compensation and Employment Benefits:

We who are urging the passage of this legislation are not responsible for any of the alleged wrongs or discrimination which the Indian people may have had visited upon them during the past 2 or 3 centuries.

None of us is in a position to control the policies of the U.S. Government toward the Indian people. We have done our utmost to fulfill our obligations to give an honest day's work in return for an honest day's pay \* \* \*

In all sincerity, we cannot dispute the right of the Indian people to rule their own destinies. As we stated earlier, however, in order for the Indian people to exercise their God given rights to life, liberty and the pursuit of happiness; to pursue their own goals; to attempt to preserve what remains of an ancient culture, an ethnic identity, if you will; then we, the non-preference employee, must be displaced to make room for them \* \* \*

The nonpreference employees of BIA and IHS who occupy management and midlevel positions must be given an incentive to retire and give the surging tide of American Indian cultural awareness the opportunity to meet the challenges of today.

Another witness before the Subcommittee, representing the National Congress of American Indians, generally agreed with the legislation, saying:

To put in a word for the non-Indian, many of them entered the service not realizing that opportunities for promotions and advancement would be as limited as they turned out to be under the new "Indian preference" procedures. This is not their fault nor could they have possibly foreseen what eventually transpired. We feel that since Indians have preference—and rightly so—those non-Indians that are in the Bureau should be eligible for an early out \* \* \* it is a little fearful to imagine a non-Indian teacher or person of similar rank and responsibility, made bitter because of what to him would be restrictions placed on his livelihood by Indians, still responsible to serve Indians. It seems to me that such a situation is undesirable for everyone.

The Subcommittee's hearings on S. 509 also involved the bill S. 771, introduced February 20, 1975, by Senator McGee. The latter bill is intended to assist employees who are displaced or find career opportunities foreclosed in the Indian agencies in relocating in other Federal positions by granting them a preference for vacancies which they are qualified to fill if they remain ineligible to retire or wish to continue in a civil service career.

The Committee believes that S. 771 has had a desirable effect in that the Department of the Interior has issued a new Career Placement Assistance Program intended to help displaced employees or those who can demonstrate a lack of advancement opportunity in locating other positions within the Department. But the initial orientation sessions on that new departmental program did not take place until November 11, 1975; thus the effect of the program cannot be assessed at this time. In any event, the Committee is concerned that positions within the Department for many of the employees involved may prove most difficult, if not impossible, to locate. The Committee requests that the Departments of Interior and Health, Education, and Welfare, and the Civil Service Commission, cooperate to insure the effective use of all available procedures to relocate displaced employees. The Committee further requests the Departments to forward reports by January 1, 1977, relative to the effectiveness of their outplacement programs, including information bearing on the number of applicants for assistance, their grades and occupations, and the grades and occupations in which they were placed as a result of the program, as well as the numbers, grades and occupations of those applicants not relocated.

The Committee has accepted in good faith the Interior Department's testimony that it will support a legislated outplacement program if its administrative remedy proves unequal to the task.

## COMMITTEE ACTION

Hearings were held on the bill S. 509 on June 18 and 19, 1975. The Committee approved H.R. 5465, after amending it by substituting the provisions of S. 509 with amendments by voice vote on May 11, 1976, Senator Fong voting in the negative.

## SECTIONAL ANALYSIS

Section 1 of the bill authorizes payment of an immediate annuity to employees without Indian preference who retire prior to December 31, 1985, and who at the time of retirement have completed at least 20 years of service and are at least 50 years of age or have completed 25 years of service, and were continuously employed in the Bureau of Indian Affairs or the Indian Health Service from June 17, 1974, until their retirement, are not otherwise entitled to full retirement benefits, and can demonstrate that application of Indian preference has denied them career advancement opportunities on at least two occasions.

The effect of this section is to extend the benefits of the bill to those adversely affected employees who will become eligible for retirement under the bill's provisions by December 31, 1985, and who elect to retire, provided they are not otherwise entitled to full retirement and were continuously employed by one of the Indian agencies from the date of the Supreme Court's decision in *Morton v. Mancari* until their retirement.

Section 2 of the bill provides that the annuity of an employee retired under the authorization established by section 1 shall be 2½ percent of his "average pay" for each of the first 20 years of service and 2 percent of his average pay for each year thereafter. By definition, average pay is the result of averaging an employee's basic pay in effect for any three consecutive years of creditable service.

Section 3 of the bill makes conforming amendments to provisions of subchapter III of chapter 83, title 5, United States Code, which deal with survivor annuities and annuities and pay on reemployment.

Section 4 states that amendments made by the bill would take effect on October 1, 1976, or on the date of enactment, whichever is later, and shall only apply to employees separated from the service on and after June 17, 1974, the date of the U.S. Supreme Court decision in *Morton v. Mancari*.

## COST

The Civil Service Commission has estimated the cost of S. 509 as follows:

An increase in the normal cost of the Civil Service Retirement Fund of .02 percent of payroll.

An increase in the unfunded liability of the Fund of \$167 million, which would require, under the provisions of section 8348(f) of title 5, United States Code, 30 annual amortization payments of approximately \$10.4 million each.

The cost stemming from application of the benefit to those immediately eligible were estimated as a \$110 million increase in the

unfunded liability, requiring 30 annual payments of \$6.8 million, according to the Commission.

Testimony from the chief statistician of the Bureau of Indian Affairs estimated the potential added cost of the benefit proposed for the 2,808 BIA employees potentially eligible at \$160.7 million, assuming retirement when last eligible, or \$177.1 million, assuming retirement when first eligible.

The Committee has no information at variance with these estimates, but the adoption of provisions limiting eligibility to those who attain 20 years of service by age 50 or 25 years of service at any age and requiring that an employee be able to demonstrate that his career advancement has been impeded on at least two occasions by the application of Indian preference—provisions adopted subsequent to all cost estimates—will reduce the outlays.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

CONGRESS OF THE UNITED STATES,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, D.C., May 11, 1976.

HON. GALE MCGEE,  
Chairman, Committee on Post Office and Civil Service,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 509, a bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MAY 10, 1976.

1. Bill No: S. 509.

2. Purpose of bill: To revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference and for other purposes.

3. Cost estimate: Enactment of S. 509 would increase the unfunded liability of the Civil Service Retirement system by an estimated \$168.1 million. An annual appropriation of \$10.4 million over the next 30 years would need to be requested by the Civil Service Commission to amortize the increased liability. Outlays represent the payment of benefits to individuals who would qualify for the liberalized early retirement provisions of the proposed legislation.

COSTS  
[In millions of dollars; fiscal years]

	1977	1978	1979	1980	1981
Budget authority	10.4	10.4	10.4	10.4	10.4
Outlays	7.8	11.5	19.6	27.4	30.8

Estimated annual outlays exceed the annual budget authority estimates since outlays for early retirement would be paid to the annuitants during the first ten years while the liability would be amortized over the statutory 30 year period. The 30 years of amortization payments would fund the early retirement benefits *except for increases due to future cost-of-living adjustments* (see table below).

5-YR OUTLAYS  
[In millions of dollars; fiscal years]

	1977	1978	1979	1980	1981
Outlays based on CSC model	7.4	10.3	16.8	21.3	22.6
Annuity increases based on CBO cost-of-living projections	.4	1.2	2.8	6.1	8.2
Total net outlays	7.8	11.5	19.6	27.4	30.8

4. Basis for Estimate: S. 509 extends liberalized early retirement provisions to an estimated 3,150 employees who meet age and service requirements. *The enactment cost of the proposed legislation, in the long run, is the difference between the expected value of the liberalized early retirement benefits less the expected value of the normal retirement benefits.* (Under current requirements employees usually must be age 55 with 30 years of service or age 60 with 20 years of service to retire.)

The critical variables in estimating the five-year cost impact of S. 509 are the number of participants, their average salary, and the unfunded liability cost factor. Data necessary for the determination of these variables were provided by the Civil Service Commission at the request of CBO and are based on Bureau of Indian Affairs testimony of June 19, 1975, before the Senate Subcommittee on Compensation and Employee Benefits. In deriving the unfunded liability estimate, the Civil Service Commission followed its customary practice of not including cost-of-living adjustments in its calculations.

Cost variables

(A) Number of participants	3,150
(B) Average salary	\$17,213
(C) Unfunded liability cost factor (represents the longrun cost increase for each additional dollar of unfunded liability)	\$3.10
(D) Increase in unfunded liability (derived from multiplying (A×B×C)) (millions)	\$168.1
Budget authority (annual payments for 30 years amortized at 5 percent) (millions)	\$10.4

The outlays for fiscal years 1977-1981 (see table below) are in accordance with mortality assumptions provided by the Civil Service Commission and CBO cost-of-living assumptions.

5-YR OUTLAYS  
[In millions of dollars]

Fiscal year—	Base <sup>1</sup>	Increase in participation	Subtotal	Cost-of-living increases <sup>2</sup>	Total net outlays
1977	7.1	0.3	7.4	0.4	7.8
1978	7.6	2.7	10.3	1.2	11.5
1979	12.7	4.1	16.8	2.8	19.6
1980	20.4	.9	21.3	6.1	27.4
1981	21.7	.9	22.6	8.2	30.8

<sup>1</sup> Base includes full-year cost of increased participation from prior year and decreases attributable to a mortality factor assumption of 0.98 provided by the Civil Service Commission.

<sup>2</sup> Costs for annuity increases resulting from cost-of-living adjustments based on CBO 5-yr budget projections.

5. Estimate comparison: Not applicable.
6. Previous CBO estimate: Not applicable.
7. Estimate prepared by: David M. Delquadro.
8. Estimate approved by: \_\_\_\_\_, for James L. Blum,  
Assistant Director for Budget Analysis.

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AGENCY VIEWS

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., May 20, 1975.

HON. GALE W. MCGEE,  
Chairman, Committee on Post Office and Civil Service,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on S. 509, a bill "To revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes."

On June 17, 1974 (in *Morton v. Mancari*, 42 U.S.L.W. 4933 (U.S. June 17, 1974)), the Supreme Court held that the Indian preference provision (Section 12) of the Indian Reorganization Act of 1934 (Wheeler-Howard Act) was not repealed by the Equal Employment Opportunity Act of 1972 and does not violate the Due Process Clause of the Fifth Amendment. With regard to the applicability of Indian preference to promotions, the Court did not express an opinion, but noted "The Commissioner's extension of the preference in 1972 to promotions within the BIA was designed to bring more Indians into positions of responsibility and, in that regard, appears to be a logical extension of the congressional intent." 42 U.S.L.W. at 4936. However, in *Freeman v. Morton*, 499 F. 2d 494 (D.C. Cir. 1974), the court held that the law requires that Indian preference be applied to initial hiring, promotions, lateral transfers and reassignments. As a result of that decision, it would appear that certain non-Indian employees of BIA (now BIA and the Indian Health Service (IHS)) would not receive any further promotions if qualified Indians applied for the positions involved.

S. 509, if enacted, would provide optional retirement after 20 years of service (not necessarily with BIA or IHS) for those non-Indian employees of BIA and IHS who have been continuously employed by that agency since June 17, 1974 (the date of the Supreme Court decision) and who will complete 20 years of service before December 31, 1985. Furthermore, the bill provides that the annuities of these employees would amount to 2½ percent of average pay multiplied by the first 20 years of service plus 2 percent of the average pay multiplied by years of service over 20 (with no reduction for age). In other words, those qualified non-Indian employees (who in certain cases may be in their early forties or even younger) would have the opportunity to retire with an annuity equal to that of most Federal employees retiring at age 60 or over with approximately 27 years of service.

The Commission does not believe the present situation justifies granting such liberalized retirement benefits to non-Indian employees of BIA and IHS. While their career prospects in BIA and IHS could be limited, they are not in danger of losing their jobs. BIA and IHS employees also have the option of transferring to other positions elsewhere in the Departments of the Interior, Health, Education, and Welfare, and other Federal agencies where greater opportunity for further advancement exists. There is no indication that these employees cannot have full and satisfying careers in other agencies or in other activities. Moreover, limited promotion ladders should not become a charge against the retirement system as proposed by S. 509.

Commission representatives have been in close touch with officials at the departments involved. We have been assured that both BIA and IHS are sensitive to the situation and that opportunities do exist for many non-Indians to fulfill their hopes and aspirations for the future through careers elsewhere in the Federal service.

Understandably, some non-Indian employees are interested in leaving the Bureau of Indian Affairs because of their concern over the application of the Indian preference laws. The Commission's 65 area offices have been alerted to this situation and have been instructed to give all possible assistance to non-Indian employees who have expressed an interest in leaving the Indian agencies, and to alert other Federal agencies to the availability of such employees.

If S. 509 is enacted, we estimate that the normal cost of the Civil Service Retirement System for all employees would be increased by 0.02 percent of payroll and the unfunded liability of the Civil Service Retirement and Disability Fund by \$167.1 million. Under the financing provisions of section 8348(f) of title 5, United States Code, this amount would be amortized in 30 equal annual installments of approximately \$10.4 million.

In conclusion, for the reasons stated above, the Commission is strongly opposed to enactment of S. 509.

The office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

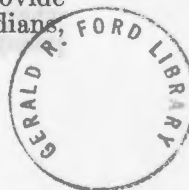
ROBERT HAMPTON,  
Chairman.

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U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 17, 1975.

HON. GALE W. MCGEE,  
Chairman, Committee on Post Office and Civil Service, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on two bills: S. 509, a bill "To revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians."



and for other purposes;" and S. 771, a bill "To assist certain employees of the United States in finding other employment in the civil service."

We recommend against enactment of both bills. The Department is currently in the process of formulating an assistance program to resolve the problem addressed by S. 509 and S. 771 and we believe that this available administrative solution is the most viable approach.

#### PROVISIONS OF S. 509 AND S. 771

We understand that both S. 509 and S. 771 are intended to relieve the situation of those civil service employees of the Bureau of Indian Affairs and Indian Health Service who are not eligible for "Indian preference" in promotions, lateral transfers, and reassignments within those agencies. Both bills relate to non-Indian preference employees who were employed by the BIA or IHS on June 17, 1974, the date of the U.S. Supreme Court decision on the subject of Indian preference. The bills are based upon the theory that the Supreme Court decision of 1974 which established absolute Indian preference in BIA and IHS employment caught non-Indian preference employees in mid-career and left them with little opportunity for advancement in those agencies.

Both bills propose relief by authorizing special treatment designed to encourage non-Indian preference employees to leave the BIA and to aid in their departure. S. 509 does so by authorizing earlier and more advantageous civil service retirement benefits for non-Indian preference employees and S. 771 does so by providing for the placement of such employees in civil service positions in other Federal agencies.

#### BACKGROUND

A number of provisions concerning Indian preference in Federal "Indian Service" employment had been enacted by the Congress during the 19th and early 20th centuries (see for example 25 U.S.C. 44-47). However, the broadest and most modern provision, and the one on which the current Indian preference requirements are based, is section 12 of the Indian Reorganization Act of 1934 (48 Stat. 986; 25 U.S.C. 472) which provides:

"The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such position."

Prior to 1972, the Indian preference provision was administered by the Bureau of Indian Affairs as applying only to initial appointments and not to subsequent promotions. In 1972 the BIA policy was changed to extend the preference to promotions, transfers from outside the BIA, and reassignments within the BIA which improved promotional prospects. The 1972 policy provided the possibility for the Commissioner of Indian Affairs to grant exceptions to Indian preference by approving the selection and appointment of non-Indians when he considered it in the best interest of the Bureau. The 1972 policy did not extend Indian preference to purely lateral reassignments

which did not improve promotional prospects. Indian preference is also utilized in establishing employee retention registers for use in reductions-in-force situations.

In addition, the BIA now encourages tribes to contract for control and operation of most BIA reservation level activities and the January 1975 enactment of section 102 of the Indian Self-Determination Act (88 Stat. 2206; 25 U.S.C.A. 450f) directs the contracting of most BIA activities "upon the request of any Indian tribe".

#### CASE LAW ON INDIAN PREFERENCE

Two recent court decisions have upheld the validity of section 12 of the Indian Reorganization Act, and its application to initial hires, promotions, transfers and reassignments.

On April 25, 1974, the United States Court of Appeals for the District of Columbia in *Freeman v. Morton*, 499 F. 2d 494, upheld an unreported District Court decision in a suit brought by four Indian BIA employees. The Court held that under the 1934 Indian preference provision Indian preference applies to the filling of all vacancies in the BIA, including initial hires, promotions lateral transfers, and reassignments in the Bureau, and that no exceptions are possible where there is at least a minimally qualified candidate who is eligible for Indian preference.

On June 17, 1974 the U.S. Supreme Court in an 8-0 decision (*Morton v. Mancari*, 417 U.S. 535) reversed the decision of a three-judge District Court for the District of New Mexico which had held, in a suit by a group of non-Indian BIA employees, that the 1934 Indian preference provision (25 U.S.C. 472) had been impliedly repealed by enactment of Section 11 of the Equal Employment Opportunity Act of 1972 (86 Stat. 111; 42 U.S.C. 2000 e-16), prohibiting discrimination in most Federal employment on the basis of race.

The Court held that Indian preference was not a racial preference but, rather, it was an employment criterion reasonably designed to further the cause of Indian self-government and to make the BIA more responsive to the needs of its constituent groups.

#### DRAFT DEPARTMENTAL ASSISTANCE PROGRAM

This Department is aware that the *Freeman* and *Mancari* decisions and the implementation of the Indian Self-Determination Act will, in many cases, have an adverse impact upon both non-Indian and Indian employees of the BIA. The Department is committed to providing placement assistance to those Indian and non-Indian employees of the BIA whose jobs or opportunities have been foreclosed by either Indian preference or the Department's Indian Self-Determination policy, and has been formulating a program to provide such assistance. The program is in the process of being finalized and has not yet been implemented. The draft program is currently being reviewed by the bureaus within the Department, at both field and headquarters levels.

The draft program will assist BIA employees with placement within other bureaus in the Department, and with locating reassignments in other Federal agencies.

Within the Department, mandatory placement assistance would be given to competitive career and career-conditional BIA employees when: (1) there is a reduction in force and there are no opportunities

for reassignment within the BIA; (2) an activity or function is being contracted by a tribe and the employee's position is being abolished; and (3) it is imperative to reassign an employee because of certain hardships such as ill-health, loss of effectiveness with a tribe, or other compelling circumstances. Two position offers would be made to employees under the mandatory placement provisions.

Priority placement assistance would be afforded to competitive career and career-conditional BIA employees who can demonstrate that they no longer have an opportunity for career advancement in the Bureau because of Indian preference regulations.

#### RECOMMENDATIONS

We are opposed to the provisions of S. 509. Enactment of this legislation could deprive the Bureau of Indian Affairs of an inordinately large number of highly experienced employees with technical and managerial expertise at a time when their skills and experience are most needed by the BIA. It could remove from the mainstream of public service exceptionally well-qualified and dedicated professionals. Our estimate is that this legislation could affect approximately 1600 employees who might choose early retirement thereunder. The impact of this legislation, therefore, could be counterproductive to the Department's mission of providing services and assistance to Indians.

With regard to the impact that this legislation would have on the Civil Service Retirement Fund we defer in our views to the Civil Service Commission.

The provisions of S. 509, for the above reasons, do not provide a viable solution to the problems created by Indian preference. In our judgment, our draft program which would assist BIA employees nationwide, is a more viable alternative, and would avoid the adverse result that enactment of S. 509 may have.

We are also opposed to enactment of S. 771. Since the Department is committed to its draft assistance program, we believe that this available administrative solution should be adopted and tried before any solutions are mandated by legislation.

Pursuant to the legislation any displaced employee of the BIA would be given priority consideration for any vacancy in the competitive service for which he is qualified. Further, upon request to the Civil Service Commission, the displaced employee's name shall be placed on all registers maintained by the Commission, and entered ahead of all others, including preference eligibles, having the same rating. Finally, the Secretary of the Interior shall assist the Commission in identifying those employees "who are likely to become displaced. . . ."

The Civil Service Commission already operates a Displaced Employee Program, and if S. 771 was enacted, those eligible for placement thereunder would not only be placed ahead of preference eligibles including veterans but would also be competing with those displaced employees already participating in the Commission's program. Further, under S. 771 BIA employees would not have to be actually displaced to qualify under the bill's provisions, but only to have "not receive[d] consideration for promotion, transfer, or training. . . ." Employees of the BIA not actually displaced would be competing with employees under the Commission's program who actually are

displaced. With regard to the impact of this provision we defer to the Civil Service Commission. However, we would note that a significant distinction exists between persons who are actually displaced through formal procedures and those whose promotional opportunities are either limited or might be limited by Indian preference requirements. It is almost impossible to estimate how many employees would be affected by these provisions, especially since the definition of "displaced" is so general.

While we believe that there might be merit to a Government-wide placement program, we feel that S. 771 is premature in light of the present administrative efforts. Further before such an approach is legislated, the Federal agencies involved should be given the opportunity to work together to arrive at a solution.

With regard to the provisions of both bills which concern the Indian Health Service, we defer in our views to the Department of Health, Education, and Welfare.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JAMES T. CLARKE,  
*Assistant Secretary of the Interior.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,

June 6, 1975.

HON. GALE MCGEE,  
*Chairman, Committee on Post Office and Civil Service,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of April 17, 1975, for a report on S. 509, a bill "To revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes."

The bill would revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service (IHS) not entitled to Indian preference.

The Department of Health, Education, and Welfare believes that the current situation in IHS does not warrant granting such liberalized retirement benefits to non-Indian employees. Our critical manpower needs in IHS are for doctors, nurses, and para-medical personnel. Many of these positions are now occupied by non-Indian employees due to the lack of qualified Indian employees. While every effort is being made to train more Indian employees to fill these needs, there is an inadequate supply of trained Indian personnel available at this time. Therefore, enactment of this proposed legislation could lead to an increase in the number of early retirements by non-Indians. This could have an adverse effect on the Federal Government's ability to deliver quality health care to the Indians. As an adequate supply of qualified Indians becomes available to handle their health care needs, we will expand career programs to provide opportunities throughout

the Department of Health, Education, and Welfare for non-Indian employees desiring transfers.

We therefore recommend that S. 509 not be favorably considered.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CASPAR W. WEINBERGER,  
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
Washington, D.C., May 20, 1975.

HON. GALE W. MCGEE,  
Chairman, Committee on Post Office and Civil Service,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on S. 509, "To revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes."

The purpose of this bill is to grant preferential retirement benefits to certain non-Indian employees of the Departments of Interior, and Health, Education, and Welfare. In its report the Civil Service Commission states its reasons for strongly opposing enactment of S. 509.

We concur in the views expressed by the Civil Service Commission and, accordingly, strongly recommend against enactment of S. 509.

Sincerely,

JAMES M. FREY,  
Assistant Director for  
Legislative Reference.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., May 30, 1975.

B-161468.

HON. GALE MCGEE,  
Chairman, Committee on Post Office and Civil Service,  
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of February 11, 1975, requesting our comments on S. 509, 94th Congress, a bill which, if enacted, would revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference and provide greater opportunity for advancement and employment of Indians. The purpose of the bill is to encourage the early retirement of non-Indian employees in order to provide for greater employment and advancement opportunities for Indians.

As indicated below, the retirement benefits proposed to be made available to non-Indian employees of the Bureau of Indian Affairs

and the Indian Health Service are considerably more generous than those usually available under the Civil Service retirement system. Our Office generally has not favored legislation which grants preferential treatment for specific groups or classes of employees under the Civil Service retirement system in the absence of a compelling reason.

However, we recognize that a recent Supreme Court decision is significant in this regard. In *Morton v. Mancari*, 417 U.S. 535 (1974), the Supreme Court reaffirmed and upheld the policy, as enunciated by Congress in prior legislation, of providing Indian employees of the Bureau of Indian Affairs with employment and promotional preferences. This decision and its likely impact on the careers of non-Indian employees in the Bureau of Indian Affairs was recognized and emphasized by the sponsors of this bill and may serve as sufficient justification for congressional consideration of the preferential legislation.

Section 1 of the bill would authorize payment of an immediate annuity to non-Indian employees who retire prior to December 31, 1985, and at the time of retirement (1) have completed at least 20 years of service, (2) have been continuously employed in the Bureau of Indian Affairs or the Indian Health Service since June 17, 1974, and (3) are not otherwise entitled to full retirement benefits.

The bill contains no limitations with regard to an employee's age at the time of retirement nor does it contain requirements for reducing annuities in cases where employees retire before a specified age. In contrast, most Federal employees under the Civil Service retirement system may retire and receive an immediate annuity only at the following ages and then only if they have at least the amounts of Federal service shown:

Earliest age	Years of service	Remarks
62	5	
60	20	
55	30	
50	20	Must be involuntarily separated; annuity reduced by $\frac{1}{4}$ of 1 percent for each month under age 55.
Any	25	Do.
Any	5	Must be totally disabled.

Section 2 of the bill proposes that the annuity of a non-Indian employee of the Bureau of Indian Affairs or the Indian Health Services who retires under the authorization provided in section 1 shall be  $2\frac{1}{2}$  percent of his "average pay" for each of the first 20 years of service and 2 percent of his average pay for each year thereafter. By definition, the term "average pay" means the largest annual rate resulting from averaging an employee's basic pay in effect over any 3 consecutive years of creditable service (high-3 average salary). In contrast, most civil service annuities are computed on the basis of high-3 average salaries multiplied by 1.5 percent for each of the first 5 years of service, 1.75 percent for each of the next 5 years of service, and 2 percent for each year of service over 10 years.

The retirement benefits proposed under S. 509 are more liberal than the benefits available to certain other groups of Federal employees that have been granted special treatment. For example air traffic con-

trollers may retire after 20 years of service but they must be at least 50 years of age (or after 25 years without regard to age) and their annuities are computed as stated above instead of the 2½ percent of average pay for each of the first 20 years of service provided for in S. 509. We would also point out that while firefighters and law enforcement personnel (whose annuities are computed in the same manner as provided in the bill) may retire after 20 years of service, they also must be at least 50 years of age.

At the end of fiscal year 1974 the Bureau of Indian Affairs had 13,901 employees and the Indian Health Service had 7,881 employees. Information was not readily available regarding the number of these employees who would be eligible for the retirement benefits proposed to be made available under S. 509. The Civil Service Commission estimated, however, that the bill would increase "normal cost" by .02 percent of payroll. The bill also would create a liability of \$167 million to the Civil Service Retirement Fund which would require 30 annual amortization payments of \$10.4 million each to the fund.

Sincerely yours,

R. F. KELLER,  
*Deputy Comptroller General.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

TITLE 5, UNITED STATES CODE

\* \* \* \* \*

PART III—EMPLOYEES

\* \* \* \* \*

SUBPART G—INSURANCE AND ANNUITIES

\* \* \* \* \*

CHAPTER 83—RETIREMENT

\* \* \* \* \*

§ 8336. Immediate retirement

(a) \* \* \* \* \*

(h) *An employee is entitled to an annuity if he (1) is separated from the service after completing 25 years of service before December 31, 1985, or after becoming 60 years of age and completing 20 years of service before December 31, 1985, (2) was employed in the Bureau of Indian Affairs or the Indian Health Service continuously from June 17, 1974, to the date of his separation, (3) is not otherwise entitled to full retirement*

*benefits, and (4) is not an Indian entitled to a preference under section 12 of the Act of June 18, 1934 (48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions.*

[(h)] (i) An annuity or reduced annuity authorized by this section is computed under section 8339 of this title.

\* \* \* \* \*

§ 8339. Computation of annuity

(a) \* \* \* \* \*

(f) The annuity computed under subsections (a)–(e) and (n) of this section may not exceed 80 percent of—

- (1) the average pay of the employee; or
- (2) the greatest of—

- (A) the final basic pay of the Member;
- (B) the average pay of the Member; or

(C) the final basic pay of the appointive position of a former Member who elects to have his annuity computed or recomputed under section 8344(b)(1) of this title.

(g) The annuity of an employee or Member retiring under section 8337 of this title is at least the smaller of—

- (1) 40 percent of his average pay; or
- (2) the sum obtained under subsections (a)–(c) of this section after increasing his service of the type last performed by the period elapsing between the date of separation and the date he becomes 60 years of age.

(h) The annuity computed under subsections (a), (b), and (f) of this section for an employee retiring under section 8336(d) of this title is reduced by ½ of 1 percent for each full month the employee is under 55 years of age at the date of separation. The annuity computed under subsections (c) and (f) of this section for a Member retiring under the second or third sentence of section 8336(g) of this title or the third sentence of section 8338(b) of this title is reduced by ½ of 1 percent for each full month not in excess of 60 months, and ⅙ of 1 percent for each full month in excess of 60 months, the Member is under 60 years of age at the date of separation.

(i) The annuity computed under subsections (a)–(h) and (n) of this section is reduced by 10 percent of a deposit described by section 8334(c) of this title remaining unpaid, unless the employee or Member elects to eliminate the service involved for the purpose of annuity computation.

(j) The annuity computed under subsections (a)–(i) and (n) of this section for a married employee or Member retiring under this subchapter, or any portion of that annuity designated in writing for the purpose of section 8341(b) of this title by the employee or Member at the time of retirement, is reduced by 2½ percent of so much thereof as does not exceed \$3,600 and by 10 percent of so much thereof as exceeds \$3,600, unless the employee or Member notifies the Civil Service Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of this title. An annuity which is reduced under this subsection or any similar prior provision of law shall, for each full month



during which a retired employee or Member is not married, be recomputed and paid as if the annuity had not been so reduced. Upon remarriage of the retired employee or Member, the annuity shall be reduced by the same percentage reductions which were in effect at the time of retirement.

(k)(1) At the time of retiring under section 8336 or 8338 of this title, an unmarried employee or Member who is found to be in good health by the Commission may elect a reduced annuity instead of an annuity computed under subsections (a)-(i) and (n) of this section and name in writing an individual having an insurable interest in the employee or Member to receive an annuity under section 8341(c) of this title after the death of the retired employee or Member. The annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual named is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (j) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection.

(l) The annuity computed under subsections (a)-(k) and (n) of this section for an employee who is a citizen of the United States is increased by \$36 for each year of service in the employ of—

(1) the Alaska Engineering Commission, or The Alaska Railroad in Alaska between March 12, 1914, and July 1, 1923; or

(2) The Isthmian Canal Commission, or the Panama Railroad Company on the Isthmus of Panama between May 4, 1904, and April 1, 1914.

(m) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded.

(n) In computing any annuity under subsections (a)-(e) and (n) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (f) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.

(o) The annuity of an employee retiring under section 8336(h) of this title is:

(A)  $2\frac{1}{2}$  percent of his average pay multiplied by so much of his total service as does not exceed 20 years; plus

(B) 2 percent of his average pay multiplied by so much of his total service as exceeds 20 years.

\* \* \* \* \*

#### § 8341. Survivor annuities

(a) \* \* \*

\* \* \* \* \*

(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339(a)-(f) and (n) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(j) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive his annuity.

(2) If an annuitant—

(A) who retired before April 1, 1948; or

(B) who elected a reduced annuity provided in paragraph (2) of section 8339 (k) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an annuity in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

(A) dies; or

(B) remarries before becoming 60 years of age.

(c) The annuity of a survivor named under section 8339(k) of this title is 55 percent of the reduced annuity of the retired employee or Member. The annuity of the survivor commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the survivor dies.

(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section [8339 (a)-(f) and (i)] section 8339 (a)-(f), (i) and (n) of this title as may apply with respect to the employee or Member, except that, in computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

(1) 40 percent of his average pay; or

(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

- (A) dies; or
  - (B) remarries before becoming 60 years of age.
- (e) \* \* \*

\* \* \* \* \*

**§ 8344. Annuities and pay on reemployment**

- (a) If an annuitant receiving annuity from the Fund, except—
  - (1) a disability annuitant whose annuity is terminated because of his recovery or restoration of earning capacity;
  - (2) An annuitant whose annuity is based on an involuntary separation from the service other than an automatic separation; or
  - (3) a Member receiving annuity from the Fund;
 becomes employed after September 30, 1956, or on July 31, 1956, was serving, in an appointive or elective position, his service on and after the date he was or is so employed is covered by this subchapter. Deductions for the Fund may not be withheld from his pay. An amount equal to the annuity allocable to the period of actual employment shall be deducted from his pay, except for lump-sum leave payment purposes under section 5551 of this title. If the annuitant serves on a full-time basis, except as President, for at least 1 year in employment not excluding him from coverage under section 8331(1) (i) or (ii) of this title—

- (A) his annuity on termination of employment is increased by an annuity computed under section 8339 (a), (b), (d), (e), (h), **[and (i)]** (i) and (n) of this title as may apply based on the period of employment and the basic pay, before deduction, average during that employment; and

- (B) \* \* \*

\* \* \* \* \*



CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
Bureau of Indian Affairs  
Legislative Report  
94th Congress - 2nd Session  
Period Ending July 2  
1976

June 15

Rep's. Risenhoover and others introduced H.J.Res. 990, authorizing the President to proclaim the week of October 10 through 16, 1976, as "Native American Awareness Week"; to Post Office and Civil Service Com.

The Senate passed S. 2477, to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress.

The Senate passed H.R. 12567, authorizing funds for activities under the Federal Fire Prevention and Control Act through FY 1978.

The Senate Indian Affairs Subcom. held hearings on S. 3515, authorizing the Wichita Indian Tribe of Oklahoma, and its affiliated bands and groups of Indians, to file with the Indian Claims Commission their claims against the United States for lands taken without adequate compensation, receiving testimony from Commissioner of Indian Affairs, Department of Justice; Indian Claims Commission, and Newton Lamar, of the Wichita Executive Committee.

June 16

The Senate passed H.R. 12169, extending the Federal Energy Administration until Sept. 30, 1977, after substituting the language of S. 2872.

Rep. Lujan introduced H.R. 14413, to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes; to Interior Com.

Rep's. Meeds, Lujan, Don H. Clausen, and Symms introduced H.R. 14417, to authorize Indian tribes to consolidate their land holdings, to provide for inventories of Indian trust resources, and for other purposes; to Interior Com.



June 17

The Senate Appropriations Com. filed its report on H.R. 14236, making FY 1977 appropriations for public works projects (S.Rpt. 94-960).

The Senate Interior Com. held hearings on S. 2630 and H.R. 10138, creating a Young Adult Conservation Corps to employ young adults between the ages of 19 and 24 on a year-round basis to undertake important conservation work on the Nation's public lands, receiving testimony from Dept's. of the Interior and Agriculture; and S. Bobo Dean, representing the Oglala Sioux Tribe, Nez Perce Tribe, Pueblo of Laguna, and Metlakatla Indian Community.

June 18

The House passed H.R. 14239, making FY 1977 appropriations for the Dept's. of State, Justice, Commerce, and the Judiciary.

The House Government Operations Com.'s Subcommittee on Government Activities and Transportation approved for full committee action a clean bill in lieu of H.R. 9593, [H.R. 14451] to permit the donation of Federal surplus personal property to the States for public purposes.

The House Interior Com's Subcommittee on National Parks and Recreation held a hearing on H.R. 1629, H.R. 10307, and S. 67, to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts and provide Federal recognition to the Wampanoag Tribe.

June 21

Rep. Steelman introduced H.R. 14483, to establish a Minority Business Development and Assistance Administration in the Department of Commerce for the purpose of improving Federal assistance to minority business enterprises, and for other purposes; jointly to the Committees on Banking, Currency and Housing, and Government Operations.

The House concurred in the Senate amendment to H.R. 12567, to authorize FY 1977 and 1978 appropriations for the Federal Fire Prevention and Control Act of 1974 and the Act of March 3, 1901, clearing it for Presidential action.

June 22

The House received the conference report (HRpt. 94-1290) on S. 3295, to extend the authorization for annual contributions under the U.S. Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes.

The House received the conference report on S. 3184, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1976.

The Senate Interior Com. filed its report (94-972) on S. 877, to direct the Secretary of the Interior to purchase and hold certain lands in trust from the Zuni Indian Tribe; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona.

The House received the GAO's report on opportunities for Federal agencies with management responsibilities in the water resources area to promote more efficient use of irrigation; jointly to the Committees on Government Operations, Agriculture, and Interior and Insular Affairs.

The House referred H.R. 5465, employment preference for certain employees of the Bureau of Indian Affairs, to Com. on Appropriations.

The Senate Judiciary Com's. Subcommittee on Administrative Practice and Procedure held oversight hearings on the effects of the recent Supreme Court decision of Colorado River Water Conservation District, et al. v. United States, which case interprets the McCarren Act (43 U.S.C. 666) as subjecting Indian rights to the use of water to State court jurisdiction for adjudication.

The House Interior Com's. Subcommittee on Public Lands held hearings on S. 302, to study certain lands in the Flathead and Lewis and Clark National Forests, Montana, for possible inclusion on the National Wilderness Preservation System.

June 23

The House agreed to the conference report on S. 3201, Public Works Employment Act of 1976, clearing it for Presidential action.

The Senate passed H.R. 14236, making appropriations for public works for water and power development and energy research, including the Corps of Engineers -- Civil, the Bureau of Reclamation, power agencies of the

Dept. of the Interior, Federal Power Commission, Nuclear Regulatory Commission, Energy Research and Devmt. Administration, and related agencies and commissions for FY 1977.

The Senate passed H.R. 12188, the Community Services Act Technical Amendments of 1976, clearing it for Presidential action.

The Senate received, pursuant to law, a copy of the Consumer Product Safety Commission's letter to the Director, Office of Management and Budget, who requested the views of the Commission on Senate Report 94-863, regarding S. 2715, a bill to amend Chapter 5 of title 5, U.S.C. (commonly known as the Administrative Procedure Act), to permit awards of reasonable attorney's fees and other expenses for public participation in proceedings before Federal agencies; to Gov. Op. Com.

The Senate and House received the Conference Report on H.R. 9771, Airport and Airway Development Act Amendments of 1976 (S.Rpt. 94-975 and H.Rpt. 94-1292).

Rep's. Steiger of Arizona, Udall, Lujan, and Runnels introduced H.R. 14529, a bill to amend the act of December 15, 1971, relating to the Navajo Community College; to Education and Labor Com.

The Senate Interior Com. ordered reported S. 2780, to eliminate the defense of res judicata to permit certain Sioux Tribes to continue their claim for the taking of the Black Hills by the United States (with an amendment adding text of S. 3515 authorizing the Wichita Indian Tribes of Oklahoma to file with the Indian Claims Commission their claims against the United States for lands taken without adequate compensation); and H.R. 10138, to create a Young Adult Conservation Corps to provide employment and other benefits to young adults.

The Senate Judiciary Com's. Subcommittee on Administrative Practice and Procedure continued oversight hearings on the effects of the recent Supreme Court decision of Colorado River Water Conservation District, et al v. United States, which interpreted the McCarren Act (43 U.S.C. 666) as subjecting Indian water rights to State court jurisdiction for adjudication. Witnesses heard were Mel Tenasket, National Congress of American Indians; Wendell Chino, National Tribal Chairmen's Association and Mescalero Apache Tribe; and Veronica Murdock, Colorado River Indian Tribes; and Dan Old Elk, Native American Natural Resource Development Federation.

June 24

Sen. Abourezk asked unanimous consent that the Indian Affairs Subcommittee be allowed to meet as scheduled to hold oversight hearings on the Interior Dep's. Quechan land claim decision. Sen. Bellmon objected on behalf of the Republican leadership. However, Sen. Abourezk resumed the hearings. Witnesses heard were Thomas S. Kleppe, Secretary, accompanied by Kent Frizzell, Under Secretary, and H. Gregory Austin, Solicitor, all of the Department of Interior; Fritz Brown, President, accompanied by Raymond Simpson, Counsel, both representing the Quechan Tribe; and Louis Barrackman, Ft. Mojave Tribe.

The Senate passed H.R. 14239, making FY 1977 appropriations for the Depts. of State, Commerce, Justice, and related agencies.

The House passed H.R. 14232, making FY 1977 appropriations for the Depts. of Labor and Health, Education and Welfare and related agencies.

The Senate and House each agreed by unanimous consent to recommit the bill S. 3295, to amend and extend the laws relating to housing and community development, to the conference committee.

The House received the Conference Report on H.R. 14236, making appropriations for public works for FY 1977 (H.Rpt. 94-1297).

June 25

The House passed H.R. 14231, Department of the Interior and Related Agencies FY 1977 Appropriation Act, after agreeing to an amendment offered by Rep. Meeds increasing funds appropriated to the U.S. Fish and Wildlife Service for resource management by \$1,057,000, for implementation of the Washington State (Boldt) Indian fishing rights decision; and an amendment by Rep. Moorhead (Pa) striking language prohibiting the use of appropriated funds by the Dept. of the Interior to provide "personal information or information respecting any real or personal property which the United States holds as trustee for any Federally recognized Indian tribe\*\*\*" under the Freedom of Information Act.

A point of order by Rep. Yates was sustained against Rep. Steiger's (of Wisc.) amendment to provide that Indian organizations and State Education Agencies having contracts for educational services under title I of the Indian Self-Determination and Education Assistance Act would receive during FY 1977 at least 90% of the funding level provided in FY 1976. The debate on this unsuccessful amendment indicated that it was aimed at Johnson-O'Malley education contracts.



The Senate passed S. 877, to direct the Secretary of the Interior to acquire and hold certain lands in trust for the Zuni Indian Tribe; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona.

The House received a new conference report (H.Rpt. 94-1304) on S. 3295, to extend the authorization for annual contributions under the United States Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes.

The Senate Appropriation Com. filed its report on H.R. 14231, making FY 1977 appropriations for the Department of the Interior and related agencies (S.Rpt. 94-991).

June 26

The Senate passed H.R. 14231, making FY 1977 appropriations for the Department of the Interior and appointed as conferees: Sen's. Robert Byrd, McClellan, McGee, Montoya, Chiles, Mansfield, Stevens, Young, Hatfield, and Bellmon.

The Senate Judiciary Com. filed its report on S. 800, to amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes (S.Rpt. 94-996).

The Senate Appropriations Com. filed its report on H.R. 14232, making appropriations for the Departments of Labor, and HEW, and related agencies (S.Rpt. 94-997).

June 28

No items of interest.



June 29

The House and Senate agreed to (and cleared for Presidential action) the Conference Reports on -

H.R. 14236, FY 1977 Public Works Appropriations;

H.R. 14237, FY 1977 Agriculture Dept. Appropriations; and

S. 3184, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments.

The Senate agreed to the Conference Report on S. 586, the Coastal Zone Management Act Amendments of 1976.

The House disagreed to Sen. amendments to H.R. 14321, FY 1977 Interior Dept. Appropriations and appointed as conferees Reps. Yates, McKay, Long of Md., Evans of Colo., Murtha, Duncan of Ore., Mahon, McDode, Regula, and Cederberg.

The Senate confirmed the nomination of Albert Zaponta of California to be Assistant Secretary of Interior for Management.

Sen. Curtis introduced, at the request of OMB, S. 3634, the "Income Assistance Simplification Act", to provide greater efficiency and equity in the operation and administration of Federal and federally aided income assistance programs (AFDC, WIN, SSI, food stamps, public housing and other subsidized housing programs); to Govt. Ops. Com.

The Sen. Judiciary Com. filed its report (94-1011) on S. 2278, the Civil Rights Attorney's Fees Awards Act.

June 30

The House agreed to the conference report on S. 586, Coastal Zone Management Act Amendments for 1976, clearing it for Presidential action.

The Senate passed H.R. 14232, making FY 1977 appropriations for the Dept's of Labor, Health, Education and Welfare, and related agencies.

The House agreed to the conference report on S. 3295, to extend the authorization for annual contributions under the US Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes.

The House agreed to the conference report on H.R. 9771, to amend the Airport and Airway Development Act of 1970 and to extend and increase the Federal airport development assistance program for 5 years, clearing it for Presidential action.

Rep's Conlan and Rhodes introduced H.R. 14615, to amend the act of December 15, 1971, relating to the Navajo Community College; to Education and Labor Com.

Rep. Steed (by request) introduced H.R. 14629, to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes; to Interior Com.

The Senate Appropriations Committee ordered reported (SRpt. 94-1017), H.R. 14234, making FY 1977 appropriations for the Department of Transportation and related activities. Also, the Committee ordered reported without recommendation H.R. 5465, to revise the retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service who are not entitled to Indian preference.

#### July 1

The House and Senate agreed to the conference report on H.R. 14239, making FY 1977 appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies, clearing it for Presidential action.

The House and Senate agreed to H. Con. Res. 669, providing for a conditional adjournment of the Congress from July 2 to July 19, 1976.

The House received the conference report (HRpt. 94-1330) on H.R. 14231, making FY 1977 appropriations for the Department of the Interior and related agencies.

Sen's. Gravel, Stevens, and Abourezk introduced S. 3651, to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the Village of Klukwan.

The Senate passed H.R. 5546, to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the Health Service Corps program and the National Health Service Corps scholarship training program, after agreeing to Sen. Montoya's amendment authorizing an additional \$10 million to insure continued operation of funding for minority assistance.

The Senate passed H.R. 14234, making FY 1977 appropriations for the Department of Transportation.

Rep. Leggett and others introduced H.R. 14668, to authorize and direct the Secretary of the Department of Health, Education, and Welfare to convey certain lands to D-Q University on fee simple absolute; to Interior Com.

#### July 2

The Senate passed S. 2228, Public Works and Economic Development Act, extending authorizations for three years and authorizing a stand-by job opportunities program for combating unemployment.

Sen. Mondale commemorated the 500th birthday of the Chippewa Band of Minnesota Indians at Red Lake, Minn. The celebration is being called the largest gathering of American and Canadian Indians ever held in the United States, with representatives from such distant places as California, Montana, Manitoba, and Ontario.

The Senate filed its report on H.R. 5465, to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service who are not entitled to Indian preference (SRpt. 94-1029).

The Senate laid aside H.R. 10612, proposed Tax Reform Act of 1976, until July 20, 1976.

The Senate will call up on July 20, 1976, conference report on S. 3295, extending certain programs under the National Housing Act.

NOTE: Bills Referred to  
Indian Affairs  
Subcommittee  
unless stated  
otherwise...

CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
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STATUS OF LEGISLATION  
94th CONGRESS

SENATE

Ending: 7-2-76

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Criminal Justice Reform Act - Revision of Title 18 USC "Crimes and Criminal Procedures" and related laws. Includes (1) authorities for BIA police; (2) continues current Indian county definition; (3) adds 9 to current 13 major crimes; (4) continues P.L. 280, Kansas &amp; N.Y. State jurisdiction; authorizes tribal retrocession of State jurisdiction; (5) repeals Indian liquor laws but continues express authority for tribal liquor regulation; (6) continues Indian lands hunting &amp; fishing trespass and boundary sign destruction laws; (7) continues conflict of interest exemption for Federal employees assigned to or employed by tribes; (8) increases tribal court maximum fine from \$500 to \$10,000; (9) authorizes compensation for injured or killed victims of crimes. (see S. 1263; S. 2129)</p>	<p>S. 1 (H.R. 333; 3907; 6799)-McClellan, Hruska, Bayh, Eastland, Fond, Griffin, Mansfield, Moss (Utah), Scott (Pa.), Taft &amp; Tower- 1/15/75 [Judiciary] 8/1/75-Draft amended bill 12/1/75-Draft Comm. Rpt.</p>
<p>Authorizes the President to designate the fourth Friday in September as National Indian Day.</p>	<p>S.J.Res. 44 (H.J.Res. 394; H.R. 6879)-Fannin-2/28/75 [Judiciary] 5/7/75-SRpt. 94-106 5/8/75-Passed as rptd. 5/9/75-Trans. to P.O &amp; C.S. Comm.</p>
<p>Nantucket Sound Island Trust, includes Wampanoag Tribe Recognition (Indian Common Lands in trust as Reservation).</p>	<p>S. 67 (H.R. 1629)-Kennedy-1/15/75 [Parks &amp; Recreation] 9/8/75-Dept Rpt to Comm. 11/25/75-SRpt. 94-493 12/8/75-Passed as rptd. 12/9/75-To House Interior</p>
<p>Authorizes the Secretary to make grants for construction, maintenance and operation of an Indian Art &amp; Cultural Center, Wind River Reservation, Wyo.</p>	<p>S. 150 (H.R. 7151)-Hansen-1/15/75 [Parks &amp; Recreation] 5/75-Hearing scheduled but cancelled</p>
<p>Establishing the Hawaiian Aboriginal Claims Settlement Study Commission.</p>	<p>S.J.Res. 155 (H.R. 1944)-Inouye- 12/18/75 [Interior Full Comm] 2/9 &amp; 10/76-Field Hearings</p>

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94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Amend Act relating to the Lumbee Indians of N. C. Verifies eligibility for Federal benefits extended to nonfederally recognized Indian tribes. No. BIA or IHS benefits.	S. 159 (H.R. 4007)-Helm-1/16/75
To designate turquoise as the National gemstone of the United States	S.J.Res. 160-Domenici-1/2/76 [Judiciary]
Authorize & direct the ICC to determine the amount of a claim of the Seminole Nation of Oklahoma	S.J.Res. 170 (H.J.Res. 710)-Bartlett- 2/17/76
Private relief-Willard & Nicole Allen, directs the Sec. of Treasury to pay a claim against the U.S. due to land sale error by BIA personnel on Wind River Reservation.	S. 209-McGee-1/17/75 4/24/75-Dept. Rpt. to Comm. 4/25/75-Senate Hearing 12/16/75-SRpt. 94-566 12/17/75-Passed as repled. 12/18/75-To House Judiciary
Condemnation of Pueblo lands-Repeal provisions of existing Federal law authorizing condemnation of the lands of the Pueblo Indians in New Mex. House amendment permits renewal or widening of existing rights-of-way with Interior Sec. approval and without Pueblo approval if no agreement reached with right-of-way owner.	S. 217 (H.R. 2908)-Domenici-1/17/75 4/24/75-Dept. to Comm. 4/25/75-Senate Hearing 5/14/75-Markup & ordered rept. w/amend. 5/20/75-SRpt. 94-148 5/21/75-Passed, amended 5/22/75-To House Interior 7/24/75-House Hearing 1/29/76-HRpt. 94-800 2/2/76-Passed, amended 4/5/76-Senate disagreed to House amend- ment & requested conference. 5/17/76-House agreed to Conf.
Amends the Internal Revenue Code of 1954 to allow the same tax treatment for recognized Indian tribes as is applicable to States and other governmental units.	S. 386 (H.R. 8989)-Packwood-1/27/75 [Finance]

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STATUS OF LEGISLATION  
 94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Amends the Social Security Act by increasing the Federal share of State expenditures for medical assistance provided to Indians who are eligible for medical care under the Indian Health Service program of the PHS.</p>	<p>S. 403-Fannin-1/27/75            [Finance]</p>
<p>Amends the Social Security Act by increasing the Federal share of the public assistance benefits provided by a State to Indians, Aleuts, Native Hawaiians and other aboriginal persons for aid to dependent children (presently effective in two States), supplemental security income and medicaid.</p>	<p>S. 437 (H.R. 1591)-Metcalf-1/28/75            [Finance]</p>
<p>Declares that all right, title, and interest of the U.S. in approximately 2,640 acres of land in the State of Nevada are hereby held by the U.S. in trust for the Paiute-Shoshone Tribe of the Fallon Indian Reservation.</p>	<p>S. 414 (H.R. 2855)-Cannon-1/27/75</p>
<p>Declares that all right, title and interest of the U.S. in approximately 90 acres of specified lands in Nevada is to be held in trust for the Ely Indian Colony.</p>	<p>S. 415-Cannon-1/27/75</p>
<p>Authorizes the use of facilities at the Owyhee Indian Hospital of the Duck Valley Indian Reservation in Nevada to provide nonemergency medical care on a fee-for-service basis to non-Indians.</p>	<p>S. 416 (H.R. 2921)-Cannon-1/27/75            [Interstate &amp; Foreign Commerce]</p>
<p>Provides retirement benefits for BIA &amp; IHS employees who have completed 20 years of service, served continuously from 6/17/74 and are not entitled to Indian preference. (see H.R. 5465)</p>	<p>S. 509 (H.R. 4988; 5858; 5968; 11479)            -Stevens-1/30/75 [P.O. &amp; C.S]            6/17/75-Dept Rpt. to Comm.            6/18/75-Senate Hearing</p>

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STATUS OF LEGISLATION  
 94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Directs HEW to make grants and provide scholarships to encourage Indians to enroll in health-related training programs. Authorizes HEW to expend funds to better meet Indian Health care needs to provide hospitals and other health facilities, to supply urgent needs for safe water and sanitary waste disposal facilities. Requires HEW to contract with urban Indian organizations to establish and administer health programs to benefit urban Indians. Authorized health care facilities &amp; staff for BIA schools. Requires new HEW-HUD-BIA agreement on Housing production to coordinate waters &amp; sewerage facilities. (see H.R. 11530-Soboba)</p>	<p>S. 522 (H.R. 2525)-Jackson-2/3/75          4/15/75-Dept. Rpt. to Comm.          4/16/75-Markup          5/13/75-SRpt. 94-133          5/16/75-Passed, amended          5/22/75-To House Interior</p>
<p>Provides that approximately 418 acres needed by the Three Affiliated Tribes of the Ft. Berthold Reservation, North Dak., and not needed for the purpose of the Garrison Dam Project, are hereby restored to the tribal ownership of the Three Affiliated Tribes.</p>	<p>S. 540 (H.R. 7628)-Burdick-2/3/75          6/5/75-Dept. Rpt. to Comm.          6/6/75-Senate Hearing</p>
<p>Establishes Wounded Knee Compensation Board to compensate lossess arising from the occupation of Wounded Knee, So. Dak., between 2/27/73 and 5/8/73. Provides payment for personal injury and property damages.</p>	<p>S. 545 (H.R. 3914; S. 2907; S. Res. 378)          -McGovern-2/3/75 [Banking, Housing &amp; Currency]          7/21/75-Senate Hearing          10/1/75-To Judiciary</p>
<p>Authorizes the Secretary of HEW to make grants for child and family service programs and for the training of professionals &amp; paraprofessionals in the child development.</p>	<p>S. 626 (H.R. 8179)-Mondale-2/7/75          [Labor &amp; Public Welfare]          2/20/75-Senate Hearing          3/21/75-Joint Hearings</p>
<p>As introduced, included authority for tribal governing body to develop regulations to eliminate or preclude unfair or deceptive acts and practices in commerce. Also declared that tribal governing body shall have the exclusive authority to license reservation traders. Senate Comm. Amendment by Senate Comm. eliminated all Indian provisions without comment.</p>	<p>S. 642-Moss-2/2/75          [Commerce]          4/15/75-Senate Hearing          12/16/75-SRpt. 94-564          12/17/75-Passed as rptd.          12/18/75-Jointly to Interstate &amp; Foreign Commerce &amp; Judiciary</p>



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STATUS OF LEGISLATION  
94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Authorizes subject to the provisions of the constitution of the Three Affiliated Tribes of the Ft. Berthold Reservation, No. Dak., and the approval of the Sec. of Interior, the Three Affiliated Tribes to execute mortgages on land purchased by the Tribes to finance the purchase of land within the boundaries of the reservation.	S. 734-Burdick-2/18/75
To assist certain employees of the United States in finding other employment in the Civil Service. (see H.R. 5465)	S. 771 (S. 509)-McGee-2/20/75 [P.O. & C.S.] 6/18/75-Hearing w/S. 509
Authorizes appropriation for ICC for FY 1976	S. 876 (H.R. 3979)-Jackson-2/27/75
Directs the Secretary of Interior to acquire specific lands in New Mex., to be held in trust for the Zuni Indian Tribe. Authorizes Zuni Tribe to file land claims suit against United States.	S. 877 (H.R. 4212)-Montoya-2/27/75 6/5/75-Dept. Rpt. to Comm. 6/6/75-Senate Hearing 6/22/76-SRpt. 94-972 6/25/76-Passed as rptd. 6/28/76-To House Interior
Authorizes appropriations of such sums as are necessary for FY's 76 & 77 to carry out National School Lunch Act programs. Authorizes appropriation of \$100,000 for each FY's 75,76,& 77 for grants to State health departments, Indian tribes, or the IHS for supplemental food, etc.	S. 891 (H.R. 3691)-Hartke-2/28/75 [Agriculture & Forestry] 4/22/75-Senate Hearing
Confers jurisdiction upon the United States District Court for Oregon to render judgments on any claims filed by the Coos, Lower Umpqua and Suislaw Indian Tribes for alleged taking of their ancestral lands without payment by the United States.	S. 945-Hatfield-3/4/75
Marine Fisheries Conservation Act of 1975	S. 961 (H.R. 200)-Magnuson-3/5/75 [Commerce] (see H.R. 200-P.L. 94-265) 6/6/75-Senate Hearing 10/7/75-SRpt. 94-416, amended 10/7/75-to Foreign Relations 11/18/75-SRpt. 94-459 (Rereferred to Armed Services 12/8/75-SRpt. 94-515



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94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	BILL NOS. & ACTION TAKEN
To assist the States to develop and implement State land resource programs and to assist Indian tribes to inventory and plan the use of reservation and other tribal lands.	S. 984 (H.R. 3510)-Jackson-3/6/75 [Environment & Land] 4/23, 24 & 29 also 5/2/75-Hearings
Establishes the Indian Trust Counsel Authority to render legal services necessary to preserve, protect, adjudicate, or administer rights or interests of Indians to or in natural resources within the U. S. trust responsibility owing to the Indians.	S. 1002-Abourezk-3/7/75 3/15/75-Dept. proposed Rpt. 6/20/75-Dept. Rpt. to Comm.
Establishes the Indian Nations Scenic Trail, extending from the Red River, Okla., thru the former Indian nations to the Oklahoma-Kansas boundary line.	S. 1123-Bartlett-3/10/75 5/19/75-SRpt. 94-144 5/21/75-Passed as reptd. 5/22/75-To House Interior Comm.
Authorizes the payment of \$3,000 in compensation to each Sioux Indian man, woman, or child or his or her heirs who suffered death or bodily injury in the massacre of the Sioux Indians at Wounded Knee Creek, So. Dak., 12/29/1890.	S. 1147 (S. 2900) (H.R. 12009)- Abourezk-3/11/75 [Judiciary] 2/5/76-Dept. Rpt. to Comm. 2/5/76-Senate Hearing 2/6/76-Interior witness
Provides that any Indian who commits the offense of kidnapping within Indian country shall be subject to the exclusive jurisdiction of the United States (amends 18 USC 1153).	S. 1263 (H.R. 2470; 7592)-Abourezk- 3/20/75 [Judiciary] (incorporated in S. 1 & S. 2129)
Provides for the ICC Cowlitz judgment distribution (1) \$10,000 for the purchase of lands for the purchase of lands for the Cowlitz Tribe; (2) the balance to be distributed per capita.	S. 1334 (H.R. 5090)-Jackson-3/26/75 9/24/75-Dept. Rpt. to Comm. 9/26/75-Senate Hearing

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94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Provides that the State of Utah may relinquish tracts of school land, including mineral rights, within specified areas of the Navajo Reservation to U.S. in trust for Navajo Tribe. Provides that Utah may select other unreserved lands in Utah equal in area to those relinquished.</p>	<p>S. 1363-Moss-4/7/75</p>
<p>Stipulates that payments under the State and Local Government Fiscal Assistance (General Revenue Sharing) Act which are waived by the Indian tribe or Alaskan native village entitled to receive them shall become part of the entitlement of the county government in which such tribe or village is located.</p>	<p>S. 1625 (H.R. 7840)-Hathaway-5/1/75 [Finance]</p>
<p>Grand River Band of Ottawa-Dkt. 40-K. Sets forth the method for distribution of the funds appropriated to pay ICC judgment.</p>	<p>S. 1659-Hart-5/6/75 9/25/75-Dept. Rpt. to Comm. 9/26/75-Senate Hearing 10/18/75-SRpt. 94-577, amended 12/19/75-Passed, amended 1/19/76-To House Interior 3/2/76-Dept. Rpt. to Comm. 3/4/76-House Hearing</p>
<p>Title I authorizes tribes to retrocede State jurisdiction to tribes or Federal Govt.; Title II directs the Secretary to make grants to, and contract with Indian tribes to implement programs and projects to improve law enforcement and the administration of justice within Indian country and reservations (PL280)</p>	<p>S. 2010 (S. 1328)-Jackson-6/26/75 12/3/75-Hearing-Indian witnesses 3/4/76-Dept. Rpt. to Comm. 3/4/76-Hearing-State &amp; non Indian wit. 3/5/76-Hearing-Interior/Justice wit.</p>
<p>Declares title to certain lands in the State of New Mexico to be held in trust by the U. S. For the Ramah Band of Navajo Tribe.</p>	<p>S. 2072 (H.R. 8533)-Domenici-7/9/75</p>

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>"Indian Crimes Act of 1976" Stipulates that Indians committing certain listed crimes within Indian country shall be subject to the same laws &amp; penalties as all other persons committing such crimes within the exclusive territory. (see S. 1)</p>	<p>S. 2129 (H.R. 7592)-Fannin-7/16/75 2/12/76-Dept. Rpt. on H.R. 7592 to Com. 2/2/75-SRpt. 94-620 2/4/76-Passed as rptd. 2/5/76-To House Judiciary 3/9/76-House Hearing (Justice Dept. wit) 4/13/76-HRpt. 94-1038 5/18/76-Passed House amended 5/20/76-Senate agreed to House amendent 5/29/76-P.L. 94-297</p>
<p>Creates the position of A/S for Indian Affairs within the DOI. Authorizes the Sec. of Interior to delegate functions relating to Indian Affairs to the A/S. Revises title 25 USC provisions to eliminate references to Commissioner of IA thereby conforming to 1948 Reorganization Plan.</p>	<p>S. 2144 (H.R. 4344; 8536; 11258)- Jackson-7/21/75 5/19/75-Dept. proposal 8/15/75-(Dept. Rpt. to Comm. w/ technical amendment). 3/4/76-House Hearing</p>
<p>Amends the Omnibus Crime Control and Safe Streets Act of 1968 to revise provisions relating to grants to Indian tribes.</p>	<p>S. 2212 (H.R. 9236)-Hruska-7/29/75 [Judiciary] 2/20/76-Senate Hearing 5/13/76-SRpt. 94-847</p>
<p>Imposes penalties for allowing livestock to graze on any trust or restricted land of any Indian or Indian tribe without authorization.</p>	<p>S. 2235-Fannin-7/31/75 7/23/75-Dept. proposed Rpt.</p>
<p>Provides that four publications detailing the history of the Indian tribes of Nevada shall be subject to copyright by the Inter-Tribal Council of Nevada.</p>	<p>S. 2355-Cannon-9/17/75 [Judiciary]</p>
<p>Amend CETA of 1973 to permit certain Indian tribes to qualify under Title I of that Act.</p>	<p>S. 2399 (H.R. 11453)-Domenici-9/24/75 [Labor &amp; Public Welfare]</p>
<p>Relating to certain business transactions carried out within the exterior boundaries of Indian reservations.</p>	<p>S. 2362-Abourezk-9/17/75</p>

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 94th CONGRESS

SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Yahtay Industries, N. Mex., to authorize the Sec. of Interior to cancel certain obligations of the Yahtay Industries, Inc., Jemez Pueblo	S. 2490-Montoya-10/7/75
Pertaining to the enrolled members of the Umatilla Indian Reservation.	S. 2552 (H.R. 2064; 13059); Hatfield-12/22/75
Land consolidation & development of the Umatilla Indian Reservation.	S. 2553 (H.R. 2065)-Hatfield-10/30/75
Amend Menominee Restoration Act, to make Tribes eligible for joint IHS and Hill Burton program hospital funding.	S. 2581-Nelson-10/28/75 [Labor & Public Welfare]
HEW grants to Indian postsecondary educational institutions.	S. 2634 (H.R. 11220)-Abourezk-11/6/75 3/12/76-Dept. Rpt. to Comm. 3/15/75-Senate Hearing
To exempt Indian trust information from Freedom of Information Act disclosure requirements.	S. 2652-Domenici-11/11/75 5/14/76-Dept. Rpt. to Comm. 5/17/76-Hearing in Senate
Amend ICC Act of 8/13/46; authorize continuation of Sioux Black Hills case without regard to res judicata decision of Court of Claims.	S. 2780 (H.R. 12645)-Abourezk-12/12/75 4/26/76-Dept. Rpt. to Comm. 5/4/76-Senate Hearing
Restoration of the Confederated Siletz Tribe of Oregon.	S. 2801 (H.R. 11221)-Hatfield-12/17/75 3/29/76-Dept. Rpt. to Comm. 3/30&31/76-Senate Hearing
To authorize certain financial assistance to Haskell Indian Junior College, Lawrence, Kansas	S. 2882-Pearson-1/28/76 [Labor & Public Welfare]

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SENATE

Ending:

TITLE OR DIGEST OF BILL	BILL NOS. & ACTION TAKEN
To provide for per capita payment to persons of Southern Paiute lineal descent who did not participate under the Act of 10/17/65, providing for disposition of judgment funds to Southern Paiute in ICC dkts. 88, 330 & 330-A.	S. 2883-Moss-1/28/76
Wounded Knee massacre (see digest of S. 1147)	S. 2900-Abourezk-1/29/76 2/5/76-Senate Hearing
Occupation of Wounded Knee (see digest of S. 545)	S. 2907-McGovern;Abourezk;Hruska- 1/30/76 [S. Res. 378-Byrd-2/2/76]
To reinstate the Modoc, Wyandotte, Peoria, and Ottawa Indian Tribes of Okla., as federally supervised and recognized Indian tribes.	S. 2968 (H.R. 11018)-Bartlett-2/17/76
Authorize Appropriation for the ICC of FY 1977.	S. 2981 (H.R. 11909)-Metcalf-2/17/76 4/6/76-SRpt. 94-737 4/9/76-Passed, as repton.
Federal Energy Development Impact Assistance Act of 1976 (see digest of H.R. 11772)	S. 3007 (H.R. 11772)-Jackson-2/19/76
Amend section 6 of the ANCSA.	S. 3088-Metcalf-3/4/76
National Food Stamp Reform Act of 1976.	S. 3136-Talmadge-3/13/76 [Agriculture & Forestry] 3/13/76-SRpt. 94-697 4/8/76-Passed, as repton.
Financial Assistance for Elementary & Secondary	S. 3166 (H.R. 12196)-Beall-3/17/76 [Labor & Public Welfare] 4/7/76-Comm. req. rept from Dept.

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SENATE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Providing for the study of formulation of legislative proposals as to, the implementation of the transfer of mineral interests under the Northern Cheyenne Allotment Act, (Act of 6/3/26 (44 Stat. 690), as amended.	S. 3206-Metcalf/Mansfield-3/25/76 5/14/76-Dpt. Rpt. to Com. 5/17/76-Senate Hearing
To require that funds collected through grazing fees be expended solely for range improvement purposes except where otherwise specifically designated for payment to State or Indian tribes.	S. 3112-Kennedy-4/16/76 [Agriculture]
To extend the authorization for annual contributions under the United States Housing Act of 1937, to extend certain low-income housing programs under the National Housing Act--"Housing Amendments of 1976".	S. 3295-Proxmire-4/9/76 [Banking, Housing, & Urban Affairs] 4/12/76-SRpt. 94-749 4/27/76-Passed as reptd. 5/26/76-Passed House amended 6/22/76-House Conf. Rpt. 94-1291 6/25/76-New House Conf. Rpt. 94-1304 6/30/76-House agreed to Conf.
To provide water to the Five Central Arizona Indian tribes for farming operations and to settle their surface water rights.	S. 3298-Kennedy-4/13/76 8/5&10/76-Senate Hearing Scheduled
Relating to the Tiwa Indian Pueblo of San Juan de Guadalupe, Tortugas, New Mexico.	S. 3352-Domenici-4/29/76
To authorize the Court of Claims to review the Sioux Black Hills claim on the merits.	S. 3353-Abourezk-4/29/76 (cross reference to S. 2780)
Authorize appropriations for the construction of the Uintah Unit of the Central Utah Project. (H.R. 13369)	S. 3395-Moss-5/6/76 5/17/76-Dpt. Rpt. to Comm 5/18/76-Senate Hearing
For relief of Duane G. Wegner (reimbursement expenses)	S. 3400-Abourezk-5/11/76

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Authorizing the Wichita Indian Tribe of Oklahoma and its affiliated bands and groups of Indians to file with the ICC any of their claims against the U.S. for lands taken without adequate compensation.</p>	<p>S. 3515-Bartlett-6/3/76          6/14/76-Dpt. Rpt. to Com.          6/15/76-Senate Hearing</p>
<p>To authorize the Secretary of the Interior to enter into an agreement with the Cherokee, Choctaw, and Chickasaw Indian Nations for the purchase and/or lease by the United States of each nation's right and interests in the riverbed of the Arkansas River.</p>	<p>S. 3525-Bartlett/Bellman-6/8/76</p>
<p>Private relief of Marian Law Shale Holloway, et al. Quinault Indian Tribe</p>	<p>S. 3537-Jackson-6/8/76</p>
<p>To amend the Act of December 15, 1971, relating to the Navajo Community College [H.R. 14529].</p>	<p>S. 3558-Fannin-6/11/76</p>
<p>Income Assistance Simplification Act</p>	<p>S. 3634-Curtis-6/29/76</p>
<p>To amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan.</p>	<p>S. 3651-Gravel-7/1/76</p>



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HOUSE

Ending: 7-2-76

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Authorizes the return of the remains of Pocahontas to the United States. Directs the establishment of the Pocahontas Memorial under the direction of the Secretary of Interior.	H.J. Res. 391; 459; -Fish-4/15/75
Authorizes the Secretary of Interior to establish a program of direct Federal employment to improve environmental quality and natural resources management (including Indian reservation lands).	H.R. 552-Koch-1/14/75
Authorizes the Secretary of Interior to relieve the Santa Ynez Water Conservation District, Calif., of payments due the U.S. for repayment of a Small Reclamation projects loan in the amount of \$1,120 per year due to the delivery of water to the Santa Ynez Indian Reservation lands within such district.	H.R. 589 (S. 2179)-Lagomarsino-1/14/75 6/5/75-Dept. Rpt. to Comm. 6/6/75-House Hearing 9/15/75-HRpt. 94-475 10/6/75-Passed, as reptd. 10/7/75-To Senate Interior Comm.
Provides that programs will be carried out thru grants made directly to units of local government with particular attention being given to the needs of Appalachia and Indian Tribes.	H.R. 652-Murphy-1/14/75 [Education & Labor]
For the relief of Judy Ann Allen, et al., re late enrollment in California award.	H.R. 2120-Talcott-1/23/75 [Judiciary]
Indian Health Care Improvement Act (contents of H.R. 11530 added to this bill)	H.R. 2525 (S. 522)-Meeds-1/31/75 (H.R. 2526; 3261; 3351; 7852) 9/25/75-House Hearing 4/9 /76-HRpt. 94-1026 (Pt. 1) 4/9/76-To House Interstate & Foreign Commerce and Ways & Means Com.'s. 5/10/76-HRpt. 94-1026 (Pt. 2) 6/8/76-HRpt. 94-1026 (Pt. 3) 6/8/76-House passed H.Res. 1267, suppl. rpt. to HRpt. 1026 (Pt. 4)



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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Provides for compensation to the Cherokee Nation for the loss of specified lands. States that no more than 10 percent of the amount of the claim shall be received by any agent or attorney on account of services rendered with respect to each claim.	H.R. 2720-Risenhoover-2/4/75
Private relief, James J. Caldwell	H.R. 2943-Obey-2/5/75 [Judiciary] 10/9/75-HRpt. 94-558 11/4/75-Passed as reptd. 11/5/75-To Senate Jidiciary
Authorizes to be appropriated not to exceed \$1,450,000 to carry out the provisions of the ICC Act during FY 1976 (see S. 2981; H.R. 11909)	H.R. 3979 (S. 876)-Meeds-2/27/75 6/9/75-HRpt. 94-268 6/16/75-Passed, as reptd. 6/17/75-To Senate Interior 7/31/75-SRpt. 94-360 8/1/75-Passed, amended 9/17/75-House asked for conference 10/2/75-Senate agreed to conference 11/3/75-Conferrees met
Assistant Secretary for Indian Affairs [see S. 2144)	H.R. 4344 (H.R. 8536; H.R. 11258-Young- 3/5/75 3/2/76-Dept. Rpt. to Comm. 3/4/76-House Hearing
For the relief of Oscar Barnett--To remove land title cloud, Mississippi Choctaw vicinity.	H.R. 4941 (S. 1238)-Montgomery-3/13/75 [Environment & Land Resources] P.L. 94-37
Cowlitz Judgment Distribution	H.R. 5090 (S. 1334)-Meeds-3/18/75 4/16/75-Dept. Rpt. to Comm. 4/17/75-House Hearing 9/15/75-HRpt. 94-479, amended 12/16/75-Passed, amended 12/17/75-To House Interior

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HOUSE

Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>Allow employment preference to certain BIA &amp; IHS employees not entitled to benefits of, or who have been adversely affected by the application of Federal laws allowing employment preference to Indians and who seek employment in other Federal agencies.</p>	<p>H.R. 5465 (S. 509)-Henderson-3/25/75 [P. O. &amp; C. S. ] 2/2/76-Dept. Rpt. to Comm. 2/3/76-House Hearing 4/2/76-HRpt. 94-1003 4/8/76-Rpt. to Comm. 5/3/76-Passed House 5/13/76-SRpt. 94-828 6/22/76-To Sen. Approp. 7/2/76-SRpt. 94-1029</p>
<p>(See digest of S. 509 and the above H.R. 5465)</p>	<p>H.R. 5858 (H.R. 5968; 4988; 11479)- 4/10/75 [P.O. &amp; C.S.]</p>
<p>For the relief of Daryl Mahoney delayed moving expenses reimbursement</p>	<p>H.R. 6750-Bell-5/6/75 1/14/76-Dept. Rpt. to Comm.</p>
<p>Authorizes the Secretary of Interior to construct, operate, and maintain permanent conveyance facilities for the principal purpose of delivering a municipal and industrial water supply for the city of Yuma, Arizona. Authorizes the Secretary to locate a pipeline conveyance system and appurtenances or lands within the exterior boundaries of the Fort Yuma Indian Reservation.</p>	<p>H.R. 8177-Steiger-6/24/75 9/18/75-Dept. Rpt. to Comm. 9/19/75-House Hearing</p>
<p>Directs the Secretary of Interior to hold certain lands in trust for the Pascua Yaqui Indians upon request by the Pascua Yaqui Assoc., Inc. Recognize and declares eligibility of Pascua Yaqui people who are members of the Assoc., Inc., for services and assistance provided to Indians because of their status as Indians by any department, agency, or instrumentality of the United States.</p>	<p>H.R. 8411-Udall-7/8/75</p>
<p>Extends, under CETA of 1973, the coverage of specified manpower programs contained in such Act to Native Hawaiians.</p>	<p>H.R. 8433-Mink-7/8/75 [Education &amp; Labor]</p>

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Ending:

TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
<p>"Energy Conservation"-Authorizes the Administrator of the Federal Energy Administration to make grants to State Governors and the Mayor of the District of Columbia for weatherization of dwellings of low-income persons, including funds for weatherization of Indian homes.</p>	<p>H.R. 8650 (H.R. 7958) (S.3424)-Barrett-7/15/75 [Banking, Currency, &amp; Housing] 7/9/75-House Hearing 7/22/75-HRpt. 94-377 9/8/75-Passed, amended 9/9/75-To Banking, Housing&amp;Urban Af. 2/3/76-SRpt. 94-623 3/9/76-Passed, as repton. 3/15/76-House Conf. reqtd. 3/18/76-Senate Conf. reqtd.</p>
<p>Amends the Social Security Act to stipulate that income and resources deriving from reserved Indian lands shall be disregarded in determining eligibility for, or the amount of, benefits payable to Indian people under aid to families with needy children programs and aid and medical assistance for the aged, blind, or disabled.</p>	<p>H.R. 9532-Melcher-9/10/75 [Ways &amp; Means]</p>
<p>Surface Mining Control and Reclamation Act of 1976</p>	<p>H.R. 9725 (H.R.12474;12475)-Melcher-9/19/75 3/15/76-HRpt. 94-896</p>
<p>To create the Young Adult Conservation Corp to complement the YCC.</p>	<p>H.R. 10138-Meeds-10/9/75 [Education &amp; Labor] 5/14/76-HRpt. '94-1146 5/25/76-Passed as repton. 5/26/76-To Senate Labor &amp; Pub. Welfare 5/28/76-Rereferred to Interior 6/17/76-Senate Hearing</p>
<p>To authorize BIA grants to Indian controlled community colleges.</p>	<p>H.R. 11220 (S. 2634)-Abdnor-12/17/75</p>
<p>Restoration of the Confederated Siletz Indians</p>	<p>H.R. 11221 (S2801)-AuCoin-12/17/75</p>

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TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
To extend the protection of section 1114, of title 18, USC, to officers and employees of the IHS of US.	H.R. 11390-Andrews-1/20/76 [Judiciary]
To establish a Department of Education which includes the transfer of BIA schools to the new Department.	H.R. 11424-Litton-1/20/76 [Government Operations]
Emergency Employment Project Adendment of 1976	H.R. 11453-(S.2399)-Dominick-1/22/76 [Education & Labor] 2/3/76-HRpt. 94-804 2/10/76-Passed as reptd. 2/16/76-To Senate Labor & Public Welfare
To permit the Soboba Band of Mission Indians to participate in IHS sanitation facilities programs on the same basis as other federally recognized Indian groups. (content of bill added to H.R. 2525 by Interior Com. 3/2/76).	H.R. 11530-Pettis-1/27/76
To provide for the striking of a commemorative medal honoring the American Indian heritage	H.R. 11531-Shriver-1/27/76 (H.R. 13294; S. 3361) [Banking, Currency & Housing]
Commemoration of the opening of the Cherokee Strip to homesteading.	H.R. 11886-Skubitz-2/11/76
Authorize appropriation for the ICC for FY 1977	H.R. 11909 (S.2981)-Meeds-2/17/76 3/18/76-House Hearing 4/15/76-HRpt. 94-1150
Declare U.S. hold in trust for the Pueblo of Santa Ana certain public domain lands.	H.R. 12003(04;04)-Lujan-2/19/76
To amend the Johnson-o"Malley Act(25 USC 452 et seq)	H.R. 12237-Abdnor-3/1/76

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TITLE OR DIGEST OF BILL	Bill Nos. & ACTION TAKEN
Vocational Education and National Institute of Education Amendments, 1976	H.R. 12835 (H.R. 12853; S. 2657)-Quie 3/29/76 [Education & Labor] 5/4/76-HRpt. 94-1085 5/11/76-Passed, as repton. 5/17/76-To Senate Labor & Public Welfare
To authorize appropriations for Uintah Unit, Central Utah project, Utah	H.R. 13369-McKay-4/29/76 (S. 3395) 5/18/76-Dpt. rep. to Com. 5/20/76-House Hearing
Law Enforcement Authority -To clarify and strengthen the authority for certain Interior Dept. law enforcement services, activities, and officers in Indian country.	H.R. 14413-Lujan-6/16/76
Land holdings-consolidation-To authorize Indian tribes to consolidate their land holdings, to provide for inventories of Indian trust resources.	H.R. 14417-Meeds-6/16/76
To amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property in the states and local organizations.	H.R. 14451 (H.R. 9593)-Brooks-6/17/76 [Government Operations]
Amend the Act of 12/15/1971, relating to the Navajo Community College.	H.R. 14529 (H.R. 14615)-Steiger-6/23/76 [Education & Labor] (S. 3558)
Amend the ICC Act of 8/13/1946	H.R. 14629 (H.R. 12645) (see S. 2780)- Steed-6/30/76

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 1st SESSION

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<u>PUBLIC LAW</u>	<u>DATED APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-4 H.R. 1589 89 Stat. 6	February 20, 1975 H. Rpt. 94-2	Provides that the charge imposed on any household for a coupon allotment under Food Stamp Act after the date of enactment of this Act and prior to December 30, 1975, may not exceed the charge that would have been imposed on such household for such coupon allotment under rules and regulations promulgated under such Act and in effect on January 1, 1975.
94-12 H.R. 2166 89 Stat. 26	March 29, 1975 H. Rpt. 94-19 S. Rpt. 94-36	Tax Reduction Act of 1975
94-20 S. 1310 94 Stat. 82	May 2, 1975 S. Rpt. 94-57	Elementary and Secondary Education - School Lunch Program - Extension - Provides that the special food service program for children under the National School Lunch Act shall be continued through the summer until September 30, 1975. Specifies that reimbursement rates for meals served from May through September, 1975, in service institutions operating such summer food services programs shall be adjusted to reflect changes in the cost of operating such programs as indicated by the Consumer Price Index.
94-22 S. 172 89 Stat. 84	May 19, 1975 H. Rpts. 94-5 accompanying H.R. 2302 and 94-104 accompanying H.R. 4834 S. Rpt. 94-42	To revise certain provisions of Title 5, U.S.C., relating to per diem and mileage expenses of Government employees, and for other purposes.

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 1st SESSION

<u>PUBLIC LAW</u>	<u>DATED APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-31 H.R. 4109 89 Stat. 172	June 10, 1975 H. Rpt. 94-148 S. Rpt. 94-143	Revises the Grand Canyon National Park Enlargement Act to require the Secretary of the Interior to report his recommendations to the President as to the suitability of any area within the national park for preservation as wilderness. Requires any designation of such areas as wilderness to be made in accordance with the Wilderness Act.
94-32 H.R. 5899 89 Stat. 173	June 12, 1975 H. Rpt. 94-141 S. Rpt. 94-137 Conf. Rpt. Hse. 94-239	Making supplemental appropriations for FY ending 1975 (89 Stat. 173)
94-45 H.R. 6900 89 Stat. 236	June 30, 1975 H. Rpt. 94-220 S. Rpt. 94-200 Conf. Rpt. Hse. 94-328	Unemployment Compensation - Benefits - Extension - Provides, for purposes of unemployment assistance, under the Emergency Unemployment Compensation Act of 1974, that there is a State "Emergency on" indicator if the rate of insured unemployment in a State has for such week and the preceding 12 weeks been at five percent or greater; and that there is an "off" indicator when the rate is less than five percent for such period.
94-63 S. 66 89 Stat. 304	July 27, 1975 S. Rpt. 94-29 Conf. Rpt. Hse. 94-348	Health - Nurses' Training - Special Health Revenue Sharing Act - Directs the Secretary of Health, Education, and Welfare to make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services.
94-73 H.R. 6290 89 Stat. 400	August 6, 1975 H.Rpt. 94-196 S.Rpt. 94-295	Voting Rights Act of 1965, amendments. In an important expansion, provisions were included to extend voting assistance to specified language minorities, defined as American Indian, Alaskan Native, and those of Spanish heritage.

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 1st SESSION

<u>PUBLIC LAW</u>	<u>DATED APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-80 S. 2073 89 Stat. 415	August 9, 1975 H. Rpt. 94-426	Permits the American Indian Policy Review Commission to accept and use voluntary contributions of services, money, and property. Permits the mailing of the mail matter of the Commission under the congressional frank.
94-81 H.R. 83 89 Stat. 417	August 9, 1975 H. Rpt. 94-250 S. Rpt. 94-272	Excludes, under the Internal Revenue Code of 1954, from gross income gains from the condemnation of specified forest lands held in trust for the Klamath Indian Tribe.
94-102 H.R. 543 89 Stat. 405	October 3, 1975 H. Rpt. 94-102 S. Rpt. 94-380	Public Works - Reclamation Projects - Repayments.
94-105 H.R. 4222 89 Stat. 511	October 7, 1975 H. Rpts. 94-68, 94-427 and 94-474	Amendment to the National School Lunch Act and Child Nutrition Act of 1966.
94-114 S. 1327 89 Stat. 577	October 17, 1975 S. Rpt. 94-377	Transfer of remaining submarginal land to tribes.
94-115 S. 557 89 Stat. 580	October 17, 1975 S. Rpt. 94-147	Transfer of lands to Languna Pueblo.
94-135 H.R. 3922 89 Stat. 713	November 28, 1975 H. Rpts. 94-67, 94-670 S. Rpt. 94-255 accompanying S. 1425	Older Americans Amendments, includes tribal participation.



SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 1st SESSION

<u>PUBLIC LAW</u>	<u>DATED APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-142 S. 6 89 Stat. 773	November 29, 1975 H. Rpts. 94-332 accompanying H.R. 7217 S. Rpts. 94-168 and 94-455	To amend the education of the Handicapped Act to provide educational assistance to all handicapped children, and for other purposes.
94-156 H.R. 6669 89 Stat. 825	December 16, 1975 H. Rpt. 94-482 S. Rpt. 94-497	Natural Resources - Water - Investigation - Yakima Project.
94-157 H.R. 10647 89 Stat. 826	December 18, 1975 H. Rpt. 94-645 S. Rpt. 94-511	Supplemental Appropriations, FY 1976.
94-165 H.R. 8773 89 Stat. 977	December 23, 1975 H. Rpts. 94-374, 94-701 S. Rpt. 94-462	Appropriations - FY 1976 - Interior Department, BIA, IHS, and HEW Indian Education.
94-166 H.R. 6642 89 Stat. 1002	December 23, 1975 H. Rpt. 94-446 S. Rpt. 94-537	Civil Service Retirement - Annuities Allotments.
94-172 H.R. 7976 89 Stat. 1025	December 23, 1975 H. Rpt. 94-447 S. Rpt. 94-536	Federal Employees - Leave Restoration.
94-175 S. 1922 89 Stat. 1030	December 23, 1975 S. Rpt. 94-417 H. Rpt. 94-695	Authorizations - Interior Department To amend the Act of July 7, 1979 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved. Walla Walla Project.

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 1st SESSION

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<u>PUBLIC LAW</u>	<u>DATED APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-183 H.R. 4573 89 Stat. 1057	December 31, 1975 S. Rpt. 94-540 H. Rpt. 94-252	Civil Service Retirement - Application Time Limit.
94-189 H.R. 4016 89 Stat. 1093	December 31, 1975 H. Rpt. 94-712	Sac and Fox Indians - Judgment Distribution.
94-204 S. 1469 89 Stat. 1145	January 2, 1976 S. Rpt. 94-361	Alaska Natives Claims Settlement Act Amendments

SELECTED PUBLIC LAWS ENACTED BY THE 94TH CONGRESS, 2ND SESSION

<u>PUBLIC LAW</u>	<u>DATE APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-235 H.R. 4979 90 Stat. 237	March 17, 1976 HRpt. No. 94-803 SRpt. No. 94-678	To establish the Chickasaw National Recreation Area in the State of Oklahoma, and for other purposes.
94-262 H.R. 1466 90 Stat. 327	April 11, 1976 HRpt. No. 94-477 SRpt. No. 94-729	To convey certain federally owned land to the Twentynine Palms Park and Recreation District.
94-265 H.R. 200 90 Stat. 331	April 13, 1976 HRpts. No. 94-445 and No. 94-948 SRpts. No. 94-416, 94-459, and No. 94-515, all accompanying S. 961, and No. 94-711	To provide for the conservation and management of the fisheries, and for other purposes.
94-266 H.J.Res. 890 90 Stat. 362	April 15, 1976	Making emergency supplemental appropriations for public employment programs, summer youth programs, and preventive health services for FY ending 6-30-76.
94-271 H.R. 1465 90 Stat. 373	April 21, 1976 HRpt. 94-476 SRpt. 94-738	To provide for the division of assets between the Twentynine Palms Band and Cabazon Band of Mission Indians, Cal.
94-273 S. 2445 90 Stat. 382	April 21, 1976 HRpt. No. 94-1000 accompanying H.R. 12605 SRpt. No. 94-469	To make permanent changes in laws necessary to comply with the change to the new FY Oct. 1 - Sept. 30.
94-274 S. 2444 90 Stat. 395	April 21, 1976 HRpt. No. 94-1001 accompanying H.R. 12606 SRpt. No. 94-468	To provide for the orderly transition to the new FY Oct. 1 - Sept. 30.
94-280 H.R. 8235 90 Stat. 373	May 5, 1976 HRpt. No. 94-476 SRpt. No. 94-738	To authorize appropriations for the construction of certain highways.



SELECTED PUBLIC LAWS ENACTED BY THE 94TH CONGRESS, 2ND SESSION

<u>PUBLIC LAW</u>	<u>DATE APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-297 S. 2129 90 Stat. 586	May 29, 1976 HRpt. No. 94-1038 SRpt. No. 94-620	"Indian Crimes Act of 1976"
94-303 H.R. 13172 90 Stat. 660	June 1, 1976 HRpts. No. 94-1027 and No. 94-1133 SRpt. No. 94-802	Supplemental Appropriation for FY 1976 thru 9-30-76
94-310 H.R. 11438	May 13, 1976 SRpt. 94-830	To amend title 5, USC, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes.
94- S. 3184	SRpt. 94-705 S.Doc. No. 94-209	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1976.

HOUSE SCHEDULE FOR REMAINDER OF 1976

Independence Day (Sun., July 4) and Democratic Convention (week of July 12)	Mon., July 5 through Fri., July 16
Republican Convention (week of August 16)	Thurs., Aug. 12 through Fri., Aug. 20
Labor Day (Mon., Sept. 6)	Fri., Sept. 3 through Tues. Sept. 7
Jewish New Year (Sat., Sept. 25)	Fri., Sept. 24
Adjourn	Sat., Oct. 2

Recesses commence at the close of business on the PREVIOUS LEGISLATIVE DAY. If necessary to continue Session past October 2, a Yom Kippur (October 4) recess will be necessary. Election Day is Tuesday, November 2.

SENATE SCHEDULE FOR REMAINDER OF 1976

July 4 (Sun.) and Democratic Convention	C.O.B. Fri., July 2 until Mon., July 19
Republican Convention	C.O.B. Wed., August 11, until Mon., Aug. 23
Labor Day (Mon., Sept. 6)	C.O.B. Wed., Sept. 1, until Tues., Sept. 7
Expected Adjournment Sine Die	Sat. Oct. 2



TO SCHEDULE NON-FEDERAL WITNESSES

Hearings—Senate Indian Affairs Subcommittee:

Communicate with Forrest Gerard, Room 3106, Dirksen  
Senate Office Building, United States Senate,  
Washington, D. C. 20510  
Phone: (FIS 202-224-7143)

Hearings—House Indian Affairs Subcommittee:

Communicate with Franklin Ducheneaux, Room 422 House  
Congressional Annex, House of Representatives,  
Washington, D. C. 20515  
Phone: (FIS 202-225-1684)

TO SCHEDULE NON-FEDERAL TESTIMONY

Hearings before other Committees, communicate with the Committee's  
Office.

TENTATIVE CONGRESSIONAL COMMITTEE SCHEDULES

1976

7/20 Markup-House Agriculture - H .R. 13613, Amendments to Food Stamp Act.

7/20,22 Hearing-House Judiciary-Oversight on equal opportunity  
23 in rural housing programs.

7/21 Markup-House Interior- H.R. 13950, Strip Mining Control

7/24 Hearing-Oversight, House Education and Labor Subcom.- Comprehensive Employment Training Administration programs.

7/26 Markup-Senate Education and Labor Subcom.-H.R. 12987, Comprehensive Employment and Training Act (Jobs).

8/3&5 Hearing-House Interior-re P.L. 93-153 (Transportation and distribution of Alaska crude oil to lower 48 States.)

8/5&10 Hearing-Senate Interior-S. 3298, Five Central Arizona Tribes (surface water rights).

TBA Hearings-Field-House Interior Subcom. on Indian Affairs-H.R. 14417, Indian land consolidations, So. Dak.

TBA Hearing-Senate Interior Subcom. on Indian Affairs-Oversight on Indian contracting.

TBA Markup-House Government Operations-H.R. 14451, disposal of surplus property to States.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20245

IN REPLY REFER TO:  
Legislation

811C 13 1976

All Tribal Chairmen

Dear Tribal Chairman:

We will shortly be asked to submit items which we wish to have incorporated in the Interior Department's Preliminary Legislative Program for the 95th Congress. Your suggestions would be appreciated and should reach us by October 4, 1976. However, we welcome at any time any legislative proposal that you might wish to send to us as well as copies of proposals which you may submit to your congressional delegation.

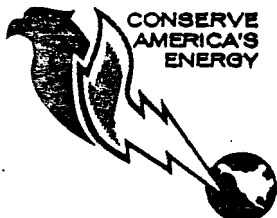
The proposals sent to us need not include draft legislative language but should include as complete an explanation as possible. If a proposal would involve additional cost to the Federal Government, please provide your best estimate as to the amount of such cost.

Proposals may be submitted directly to this office or through your Agency Superintendent and Area Director.

Your advice on needed legislation is greatly valued.

Sincerely yours,

  
Commissioner of Indian Affairs



*Save Energy and You Serve America!*





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C. 20245

IN REPLY REFER TO:  
Legislation

AUG 13 1976

## Memorandum

To: Directors: Trust Responsibilities  
Tribal Resources Development  
Indian Services  
Indian Education Programs  
Administration

Area Directors: Eastern Area; Aberdeen, Albuquerque,  
Anadarko, Billings, Juneau, Minneapolis,  
Muskogee, Navajo, Phoenix, Portland,  
Sacramento


From: Commissioner of Indian Affairs

Subject: Preliminary Legislative Program, First Session, 95th Congress

We will shortly be asked to submit items which we wish to have incorporated in the Interior Department's Preliminary Legislative Program for the 95th Congress. Your suggestions would be appreciated and should reach us by October 4, 1976. However, we welcome at any time any legislative proposal that you might wish to send to us as well as copies of proposals which you may submit to your congressional delegation.

The proposals sent to us need not include draft legislative language but should include as complete an explanation as possible. If a proposal would involve additional cost to the Federal Government, please provide your best estimate as to the amount of such cost.

Letters requesting legislative proposals for the 95th Congress have also been sent to all Tribal Chairmen and to the National Congress of American Indians and the National Tribal Chairman's Association.

  
Commissioner of Indian Affairs



*Save Energy and You Serve America!*

CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
Bureau of Indian Affairs  
Legislative Report  
94th Congress - 2nd Session  
Period Ending  
August 10, 1976

CONGRESSIONAL RECORD

July 19

Bills enacted into law July 5 thru July 14, 1976:

S. 2853, to insure a proper level of accountability on the part of food stamp vendors. Signed July 5, 1976. (P.L. 94-339);

H.R. 5630, authorizing funds through fiscal year 1978 for assistance for State boating safety programs. Signed July 6, 1976. (P.L. 94-340);

H.R. 12188, making certain technical and conforming amendments to the Community Services Act of 1974. Signed July 6, 1976. (P.L. 94-341);

H.R. 11439, to restore eligibility for health benefits coverage to certain individuals whose survivor annuities are restored. Signed July 6, 1976. (P.L. 94-342);

H.R. 12545, authorizing funds for flood control and navigation projects in 13 river basin plans authorized for construction by the Army Corps of Engineers. (P.L. 94-347); Signed July 8, 1976

H.R. 14237, making appropriations for the Department of Agriculture for fiscal year 1977. Signed July 12, 1976. (P.L. 94-351);

H.R. 9771, to provide for the continued expansion and improvement of the Nation's airport and airway system. Signed July 12, 1976. (P.L. 94-353);

H.R. 14236, making appropriations for public works and certain related activities for fiscal year 1977. Signed July 12, 1976. (P.L. 94-355);

H.R. 10572, to provide that the provisions relating to the withholding of city income or employment taxes from Federal employees shall apply to taxes imposed by certain nonincorporated local governments.

Signed July 12, 1976. (P.L. 94-358);

H.R. 14239, making appropriations for the Departments of Justice, and Commerce and the Judiciary for fiscal year 1977.

Signed July 14, 1976. (P.L. 94-362).

H.R. 14261, making appropriations for the Department of the Treasury, Postal Service, Executive Office of the President, and certain independent agencies for fiscal year 1977.

Signed July 14, 1976. (P.L. 94-363).

H.R. 14484, to make permanent the existing temporary authority for reimbursement of States for interim assistance payments under title XVI of the Social Security Act.

Signed July 14, 1976. (P.L. 94-365).

On July 3, 1976, during its adjournment, the Senate received a Presidential veto message on S. 391, proposed Federal Coal Leasing Amendments Act of 1975; to Interior Committee; S.Doc.No. 94-229.

On July 6, 1976, during its adjournment, the Senate received a Presidential veto message on S. 3201, authorizing funds for anti-recessionary public works employment programs; S.Doc.No. 94-230.

The Senate passed and sent to the House S. 3370, to amend the Small Business Investment Act to increase the authorization for the Surety Bond Gurantee Fund, and for other purposes.

The House received a message from the President wherein he announced his veto of H.R. 12567, to authorize appropriations for the Federal Fire Prevention and Control Act of 1974 and the Act of March 3, 1901, for FYs 1977-78; H.Doc.No. 94-547.

The Senate passed H.R. 366, to provide benefits to survivors of certain public safety officers who die in the performance of duty, S. 230, authorizing group life insurance programs for public safety officers, was placed on the calendar under Subjects on the Table.

The House and Senate received the Indian Claims Commission's final determination relating to the Choctaw Nation in Docket No. 249.

The House received a letter from the Comptroller General, transmitting notice of his intention to bring civil actions to (1) require the release of funds for the Health Services Administration's home health service projects which were proposed to be rescinded, on which Congress did not complete action during the statutory 45 days of continuous session which expired on March 19, 1976, and which have not been released by HEW (H.Doc.No. 94-557) and (2) require the release of funds for the operating subsidies program under section 212 of the Housing and Community Development Act of 1974, the de facto rescission of which he reported to Congress (H.Doc.No. 94-466), on which Congress did not complete action during the statutory 45 days of continuous session which expired on June 16, 1976, and which have not been released by HUD (H.Doc.No. 94-558).

Rep. Dickinson introduced H.R. 14712, to authorize the Secretary of the Interior to assist in the preservation of the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in the State of Alabama; to Interior Comm.

July 20

The House and Senate agreed to the conference report on H.R. 14231, making FY 1977 appropriations for the Interior Dept. and related agencies.

The Senate passed with committee substitute amendments and returned to the House H.R. 5465, to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service who are not entitled to Indian preference.

The Senate agreed to the conference report on S. 3295, extending and revising certain housing programs, clearing it for Presidential action.

The Senate passed and sent to the House S. 972, providing scholarships for the dependent children of public service officers who die in the line of duty.

The House Interior Com's Subcommittee on Water and Power Resources approved for full Committee action H.R. 14578, amended, to authorize various Federal reclamation projects and programs.

July 21

The Senate voted to override the President's veto of S. 3201, Public Works and Economic Development Act of 1965 Amendments.

The Congress received a GAO report entitled "The National Assessment of Educational Progress: Its Results Need to Be Made More Useful"; to Com's on Gov. Ops. and House Ed. and Labor Comm.



Rep. Leggett and others introduced H.R. 14785, a bill to authorize and direct the Secretary of the Department of Health, Education, and Welfare to convey certain lands to D-Q University on fee simple absolute; to Interior Comm.

The Senate Interior Comm. filed its report on S. 2780, to eliminate the defense of Res. adjudicata to permit certain Sioux Tribes to obtain a decision on a claim respecting the transfer of the Black Hills to the United States in 1877, with an amendment (S.Rpt. 94-1042).

July 22

The House voted to override the President's veto of S. 3201, enacting it into law as P.L. 94-369.

The Senate passed S. 3369, increasing the authorizations for loan and guarantee programs conducted by the Small Business Administration.

The House received a message from the President transmitting a proposed agenda of legislative proposals which he recommends that Congress enact prior to adjournment of this Congress.

The Senate passed S. 393, ("Montana Wilderness Study Act of 1976") to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964.

The House passed S. 507 after substituting the amended language of H.R. 13777, Federal Land Policy and Management Act of 1976, also referred to as the BLM Organic Act.

The House received the conference report (No. 94-1362) on H.R. 14233, making FY 1977 appropriations for HUD and certain other agencies.

Sen. Robert C. Byrd introduced S. 3689, to reorganize the executive branch of the Government to create a Department of Health, a Department of Education, and a Department of Welfare, and for other purposes; to Gov. Ops. Comm.

Section 204(d) provides - "There are transferred to the Secretary [of Education] all functions of the Secretary of the Interior with respect to the operation of schools for Indian children being administered by him through the Bureau of Indian Affairs."

Rep.'s Bedell, Meeds, Schroeder, Pressler, and Abdnor introduced H.R. 14824, to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Assistance Act, the Elementary and Secondary Education Act of 1965 and the Adult Education Act; to Education and Labor Comm.

July 23

No items of interest.

July 26

The House received the Indian Claims Commission's final determination in docket Nos. 102 and 345, Papago Tribe; to Interior Comm.

Rep. Don H. Clausen introduced H.R. 14843, to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Assistance Act, the Elementary and Secondary Education Act of 1965 and the Adult Education Act; to Education and Labor Comm.

Rep. Young of Alaska introduced H.R. 14850, to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the Village of Klukwan, Alaska; to Interior Comm.

Rep's Kemp and Hyde introduced H.R. 14856, to prescribe the conditions with respect to affirmative action programs required of Federal grantees and contractors in complying with nondiscrimination programs, to prescribe the necessary requirements for a finding of discrimination in certain actions brought on the basis of discrimination in employment and to prescribe reasonable limits on the collection of data relating to race, color, religion, sex, or national origin, and for other purposes; jointly to the Committees on the Judiciary, and Education and Labor.

Rep's Steiger of Wisconsin and Ginn introduced H.R. 14861, to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of the locality; jointly, to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

The Senate passed S. 2212, the "Crime Control Act of 1976", to amend the Omnibus Crime Control and Safe Streets Act of 1968, including the extension and revision of the LEAA authorities. Included in section 20(b) of the bill is the following language:

"In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."

The President approved S. 3184, authorizing FY 1977-1979 appropriations for alcoholism prevention and treatment programs (PL 94-371).

July 27

The House and Senate agreed to the conference report on H.R. 14233, making FY 1977 appropriations for HUD, clearing it for Presidential action. The conferees agreed that the \$85 million in public housing annual contributions contracting authority earmarked for new construction includes "the anticipated \$17,000,000 for Indian housing" and that "the 15 per centum set forth for new public housing construction in non-metropolitan areas shall be inclusive of any contract authority use for Indian housing."

Rep. Santini inserted a statement in the Congressional Record describing a new solution being applied to Indian nutritional problems in Nevada, where the nine reservations previously receiving food from the USDA's commodity food distribution program are switching to the food stamp program. Despite the nutritional benefits of the food stamp program, problems of distance and cash outlay retard Indian participation and have led the Inter-Tribal Council to implement a unique program which involves a comprehensive grocery and nutrition education delivery system involving an innovative mobile grocery store.

The Senate received the Indian Claims Commission's final determination re Papago Tribe, Docket Nos. 102 and 345; to Appropriations Comm.

Rep's Bedell, Burke of Florida, Fraser, Risenhoover, Young of Alaska, and Andrews of N.D. introduced H.R. 14869, to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Education Act of 1965, and the Adult Education Act; to Education and Labor Comm.

Rep. Spellman introduced H.R. 14901, to allow any chief of the Piscataway Indian Tribe to be buried at Piscataway Park in Oxon Hill, Md.; to Interior Comm.

The House Merchant Marine and Fisheries Committee's Subcommittee on Fisheries and Wildlife Conservation and the Environment approved for full committee action:

H.R. 9067 amended, to provide additional funds to the States for carrying out restoration projects and programs;

H.R. 13374 amended, to establish the Minnesota River Valley National Wildlife Refuge; and,

H.R. 14418 amended, to establish a pilot program to compensate persons who suffer loss or damage from predation by endangered species.

July 28

The Senate Interior Committee filed its report on H.R. 10138, to create the Young Adult Conservation Corps to complement the Youth Conservation Corps (SRpt. 94-1053). The report includes the following:

"The Committee received testimony at the June 17 hearing indicating concern regarding the Indian unemployment problem. On many Indian reservations unemployment rates exceed 55 percent. The Committee encourages the Department of the Interior to take steps to help ensure that some YACC projects are located on reservations with high unemployment and that young people living on the reservations be enrolled as Corps members. The committee also encourages the Bureau of Indian Affairs to contract with tribes for the operation of such projects on Indian reservations in accordance with the spirit of the Indian Self-Determination Act."

Rep's. Pepper, Roybal, and Young (of Georgia) introduced H.R. 14918, to amend the Higher Education Act of 1965 to provide grants to certain eligible institutions of higher education for regional medical academic summer enrichment programs to prepare undergraduate students from disadvantaged backgrounds for careers in the several medical professions; to Education and Labor Comm.

Rep. Steelman and others introduced H.R. 14923, to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every four years, to establish a procedure for zero-base review and evaluation of Government programs and activities every four years, and for other purposes; to Rules Comm.



Rep's. Steelman and Edgar introduced H.R. 14924, to establish a minority business development and assistance administration in the Department of Commerce for the purpose of improving Federal assistance to minority business enterprises, and for other purposes; jointly to the Committees on Banking, Currency, and Housing, and Government Operations.

Rep. Risenhoover introduced H.R. 14931, to convey certain Federal-owned land known as the Yardeka School land to the Creek Nation of Oklahoma; to Interior Comm.

Rep. Brooks inserted in the Congressional Record the monthly list of GAO reports for July. Included are:

Better Federal Coordination Needed to Promote More Efficient Farm Irrigation. RED-76-116, June 22.

The Federal Equal Employment Program for Northeast Oklahoma Construction Projects is Weak. MWD-76-86, May 28.

Information Resources and Services Available from the General Accounting Office. OPA-76-4, November 4, 1976.

Appraisal Procedures and Solutions to Problems Involving the 160-Acre Limitation Provision of Reclamation Law. RED-76-119, June 3.

Acreage Limitation on Mineral Leases Are Not Effective. RED-76-117, June 24.

Nondiscrimination Provision of the Revenue Sharing Act Should Be Strengthened and Better Enforced. GGD-76-80, June 2.

Comparative data on the Garrison Diversion Project and other Bureau of Reclamation projects. RED-76-80, March 5.

Summary of information on administration of Public Health Service hospitals. MWD-76-80, April 22, 1975.

The monthly list of GAO reports and/or copies of the full texts are available from the U.S. General Accounting Office, room 4522, 441 G Street, NW., Washington, D.C. 20548, Phone (202) 275-6241.

The House passed S. 5, after substituting the language of H.R. 11656, the "Government in the Sunshine Act", to provide that meetings of certain Government agencies shall be open to the public. The House rejected a proposed amendment which would have specifically listed agencies to which the Act would apply. Included on the rejected list was the "Indian Claims Commission". As passed, the bill applies to "any executive department\*\*\*, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency" if it is "headed by a collegial body composed of two or more individual members, a majority of whom are appointed" by the President subject to Senate confirmation.

Rep's Taylor of N.C., McCormack of Wash., and others introduced H.R. 14935, to adjust the boundaries of certain units of the National Park System; to Interior Comm. Title IV of the bill relates to the Olympic National Park, Wash. and includes in sec. 402 - "Any property excluded from the park by this Act which is within the boundaries of an Indian reservation may be transferred in trust to such Indian tribe, subject however to the express condition that any concessioner providing public services shall be permitted to continue to provide such services in such manner and for such period as set forth in his concession contract, and that in the event his contract is terminated, the United States shall purchase his possessory interest in accordance with the Act of October 9, 1965 (79 Stat. 969)." Title VI provides for expansion of the Bandelier National Monument, N.M. by 4,234 acres comprising part of the Canada de Cochiti Grant adjacent to the southern boundary of the Monument and by 3,076 containing the headwaters of the Rio de los Frijoles adjacent to the northwestern boundary.

July 29

Rep. Harrington and others introduced H.R. 14943, to establish a national system of regional capital development banks to provide venture, modernization, and expansion capital for private enterprises for the purposes of increasing employment, expanding production, and enhancing the quality of life in various regions of the United States; to Banking, Currency, and Housing Comm.

Rep. Lundine and others introduced H.R. 14947, to provide for a program, to be carried out through the Secretary of Labor, of demonstration projects and an advisory committee to promote economic stability by increasing employment opportunities and improving productivity; to Education and Labor Comm.

Rep. Pressler introduced H.R. 14952, to provide loan guarantees to restock foundation herds, to provide operational loan guarantees after disaster loss to crops, to provide direct loans to farmers in disaster areas and for other purposes; to Agriculture Comm.



The House Senate passed and cleared for the White House H.R. 14514, to allow the State of California to provide higher supplementary payments to its needy aged, blind, and disabled in lieu of making them eligible for food stamps.

The Senate Post Office and Civil Service Committee's Subcommittee on Census and Statistics began hearings on S. 3688 and H.R. 11337, to provide for a mid-decade population census.

The House Interior Comm. ordered reported H.R. 14578, amended, to authorize various Federal reclamation projects and programs.

The Congress received the President's message proposing rescission of \$45 million in appropriations for the Legal Services Corporation.  
(H.Doc. 94-569)

#### July 30

The Senate passed S. 2780, to permit a Court of Claims decision on the Sioux Black Hills claim and to permit the Wichita Tribe of Oklahoma to file its land claims against the United States.

By vote of 310 yeas to 9 nays, the House passed S. 522, the Indian Health Care Improvement Act, after substituting the language of an amended H.R. 2525, to implement the Federal responsibility for the care and education of the Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs.

Sen. Bentsen introduced S.J.Res. 209, authorizing the President to proclaim the week of October 10 through 16, 1976, as "Native American Awareness Week"; to Judiciary Comm.

Sen. Domenici announced that he is cosponsoring S. 3393, "Voting Rights Act Repealer Amendment Act", to repeal the 1975 bilingual provisions of the Voting Rights Act.

The President signed H.R. 14231 (PL 94-373), making FY 1977 appropriations for the Interior Dept. and related agencies.

#### August 2

Sen. Stevens stated his continuing support for S. 3502, Voting Rights Act Amendments Repealer Act.

The House disagreed to the Senate amendments to H.R. 5465, to allow early retirement for certain BIA and IHS employees and appointed as conferees: Rep's Henderson, Udall, Dominick Daniels, White, Ford of Mich., Derwinski, and Taylor of Mo.

Rep's Ashley, Gude, Martin, and Spellman introduced H.R. 14990, to establish a national policy on areawide planning and its coordination, to encourage the use of organizations composed of local elected officials to perform federally assisted or required areawide planning, to require use of planning districts established by States in Federal planning programs, to require certain Federal land use actions to be consistent with State, areawide, and local planning, to authorize the Office of Management and Budget to prescribe rules and regulations relating thereto, and for other purposes; to Gov. Op. Comm.

The House passed H.R. 13927, to provide for the application of city withholding taxes to Federal employees who are residents of such city, and

H.R. 13676, to establish in the Energy Research and Development Administration an Energy Extension Service.

August 3

The House passed S. 2981, after substituting the amended language of H.R. 11909, authorizing FY 1977 appropriations for the Indian Claims Commission. By a vote of 270 to 122 the bill was amended to delete an extension of the ICC's April 1977 expiration date such as is provided for in S. 2981 as passed by the Senate.

The House Education and Labor Comm. filed its report (No. 94-1387), on H.R. 14824, to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary School Assistance Act, the ESEA of 1965, and the Adult Education Act.

The Senate Interior Committee cancelled its hearings on S. 3298, a bill concerning water for the five central Arizona Tribes, which had been scheduled for August 5, 9, and 10. Earlier Sen. Griffin "at the request of another Senator" blocked unanimous consent of the Senate to the holding of the hearings.

Rep's Bedell and Melcher introduced H.R. 15017, to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Education Act of 1955, and the Adult Education Act; to Education and Labor Comm.

The House received the Conference Report (HRpt. 94-1384) on H.R. 14233, the Labor, and HEW FY 1977 Appropriations Act.

The House Interior Comm. filed its report (94-1383) on H.R. 14578, authorizing various reclamation projects.

The House Agriculture Com's Conservation and Credit Subcommittee held hearings on H.R. 10563 and H.R. 10456, Land and Water Resources Conservation Act.

The House Government Operations Comm. ordered reported H.R. 14451, to permit the donation of Federal surplus personal property to States for public purposes; and H.R. 13828, to strengthen the authority of the GSA Administrator with respect to records management by Federal agencies.

The President signed S. 3295 (PL 94-375), revising and extending certain HUD housing programs.

The House received the SBA's proposed legislation to amend the Small Business Act; to Banking, Housing and Urban Affairs Comm.

Sen's Bartlett, McClure, and Fannin introduced S. 3716, to amend section 35 of the Mineral Lands Leasing Act, as amended, with respect to the payment of moneys received from sales, bonuses, royalties, and rentals of public lands to States; to Interior Comm.

#### August 4

The House-Senate Conferees on S. 217 reached agreement. Under the compromises the 1926 Pueblo lands condemnation act is repealed and the Secretary is authorized to approve, regardless of Pueblo consent, one 10-year renewal of rights-of-way obtained under the 1926 Act. The renewal provision apparently will apply only to two rights-of-way located on the Santa Clara Pueblo.

The Senate Interior Comm. ordered reported S. 3395, authorizing funds for construction of the Uintah Unit of the Central Utah project.

The House received the Conference Report (94-1392) on H.R. 12169, authorizing FY 1977 appropriations for the Federal Energy Administration.

By a vote of 184 to 204, the House failed to pass H.R. 4634, re basic workweek of Federal firefighting personnel

The House Judiciary Comm. began mark up of H.R. 15, Public Disclosure of Lobbying Act.

August 5

The House passed H.R. 9719, to provide for payments to State or local governments by the Secretary of the Interior based upon the amount of certain tax exempt public lands within their boundaries. An amendment was offered, but later withdrawn, providing for such payments with regard to all Federally owned land except land held in trust for Indians.

The Senate agreed to a conference with the House on H.R. 5465, regarding early retirement of certain non-Indian employees of the BIA and IHS, and appointed Sen's McGee, Burdick, and Steyens as conferees.

Sen's Fannin, Jackson, Abourezk, Bartlett, Kennedy, Metcalf, Gravel, Humphrey, Mansfield, Clark, Burdick, Goldwater, Culver, and Garn introduced S. 3737 (same as H.R. 14824 mentioned above), to authorize appropriations to continue funding for certain grantees under the Indian Elementary and Secondary Assistance Act, the ESEA of 1965, and the Adult Education Act. Sen. Fannin also introduced S. Res. 512 to provide for Senate consideration of H.R. 14824 when it is received by the Senate and waiving requirements of the Congressional Budget Act of 1974. S. 3737 was placed on the Senate calendar.

The Senate received the Conference Report (94-1119) on H.R. 12169, extending the Federal Energy Administration, establishing a housing weatherization grant program for low income families, and including other energy conservation provisions.

The Senate Interior Comm. filed its report (94-1122) on S. 3283, authorizing construction of the Oroville-Tonasket unit extension, Chief Joseph Dam, Wash.

The House Interior Comm. ordered reported S. 3651, to amend the Alaska Native Claims Settlement Act to provide certain lands for Klukwan village.

The Senate passed S. 3219, Clean Air Amendments of 1976. Sec. 6 of the bill would add a new section 110(g) of the Clean Air Act which defines the term "Federal Land Manager" to mean "(i) the Secretary of the department with authority over any lands of the United States, and (ii) Indian tribes which have legal jurisdiction over tribal lands". The subsection gives "Federal Land Managers" an "affirmative responsibility to protect the air quality related values" of lands for which they are responsible in "class 1" areas but leaves to the state the final decision regarding issuance of a permit for a proposed facility which a "Federal Land Manager" maintains will have an adverse effect on the "air quality-related values" of the land for which the Manager is responsible.

August 6

The Senate passed S. 3283, to authorize construction and maintenance of the Oroville-Tonasket unit extension, Chief Joseph Dam, Wash.

The Senate Judiciary Comm. filed its report (94-1130) on S. Res. 378, to refer to the Court of Claims for a report on the bill S. 2907, for the relief of innocent victims of the occupation of Wounded Knee, S.D.

The Senate Govt. Ops. Comm. filed its report (94-1137) on S. 2925, to provide for elimination of inactive and overlapping Federal programs, to require new authorizations for Govt. programs and activities at least every 4 years, to establish a zero-base budget review procedure for Govt. programs and activities every 4 years, and for other purposes. The bill was referred to the Finance and Rules Committees.

August 9

The Senate agreed to S. Res. 378, thereby referring (no House action is required) the bill S. 2907 ("for the relief of innocent victims of the occupation of Wounded Knee, S.D.") to the Court of Claims for a factual report including "the amount due to each of the claimants".

The Senate passed and returned to the House H.R. 3650, to (1) require Federal agencies reemploying civil service annuitants to deposit to the credit of the retirement fund the amounts of annuity deducted from their salaries and (2) provide for recomputation of annuity amounts in certain reemployment situations.

The House Govt. Ops. Comm. filed its report (94-1402) on H.R. 14451, to permit the donation of Federal surplus personal property to the States and local organizations for public purposes.

The House Interior Comm. began markup of H.R. 13950, Surface Mining Control and Reclamation Control Act of 1976.

Rep. AuCoin of Ore. inserted in the Congressional Record a speech by Rep. Bonker of Wash. concerning Indian fishing rights court decisions.

The President signed H.R. 14233 (PL 94-378) making FY 1977 appropriations for HUD and independent agencies.

August 10

The Senate and House agreed to H.Con.Res. 707 providing for their adjournment on August 10 and return on August 23.

The Senate passed H.R. 12987, authorizing FY 1977 appropriations for CETA's public service jobs program and making other charges in that Act, and requested a conference with the House.

The House agreed to the Conference Report on H.R. 12169, FEA extension and housing weatherization program authorization, clearing it for Presidential action.

The Congressional Record includes a statement by Sen. Goldwater entitled "S. 3298 - The Two Billion Dollar Water Grab".

The House agreed to the Conference Report on H.R. 14232, FY 1977 appropriations for Departments of Labor and HEW, clearing it for Senate action.

Rep. Brown of Ohio introduced H.R. 15130, to remove disincentives to work under title IV, Part C of the Social Security Act, increase work-experience project funding, and for other purposes; and

H.R. 15131, to authorize grants to encourage employment and training of the unemployed; both bills to Ed. and Labor Comm.

Rep. Pettis introduced H.R. 15144, to authorize Interior Dept. payment of charges on certain Pueblo lands by the Middle Rio Grande Conservancy District; to Interior Comm.

Rep. Rodino and others introduced H.R. 15173 and 15174, to permit awards of attorneys' fees and other expenses for public participation in proceedings before Federal agencies; to Judiciary Comm.

The House Agriculture Comm. ordered reported H.R. 13613, Food Stamp Act of 1976.

The House Appropriations Comm. ordered reported a bill making FY 1977 appropriations for public works employment.



SELECTED PUBLIC LAWS ENACTED BY THE 94TH CONGRESS, 2ND SESSION

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<u>PUBLIC LAW</u>	<u>DATE APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-235 H.R. 4979 90 Stat. 237	March 17, 1976 HRpt. No. 94-803 SRpt. No. 94-678	To establish the Chickasaw National Recreation Area in the State of Oklahoma, and for other purposes.
94-262 H.R. 1466 90 Stat. 327	April 11, 1976 HRpt. No. 94-477 SRpt. No. 94-729	To convey certain federally owned land to the Twentynine Palms Park and Recreation District.
94-265 H.R. 200 90 Stat. 331	April 13, 1976 HRpts. No. 94-445 and No. 94-948 SRpts. No. 94-416, 94-459, and No. 94-515, all accompanying S. 961, and No. 94-711	To provide for the conservation and management of the fisheries, and for other purposes.
94-266 H.J.Res. 890 90 Stat. 362	April 15, 1976	Making emergency supplemental appropriations for public employment programs, summer youth programs, and preventive health services for FY ending 6-30-76.
94-271 H.R. 1465 90 Stat. 373	April 21, 1976 HRpt. 94-476 SRpt. 94-738	To provide for the division of assets between the Twentynine Palms Band and Cabazon Band of Mission Indians, Cal.
94-273 S. 2445 90 Stat. 382	April 21, 1976 HRpt. No. 94-1000 accompanying H.R. 12605 SRpt. No. 94-469	To make permanent changes in laws necessary to comply with the change to the new FY Oct. 1 - Sept. 30.
94-274 S. 2444 90 Stat. 395	April 21, 1976 HRpt. No. 94-1001 accompanying H.R. 12606 SRpt. No. 94-468	To provide for the orderly transition to the new FY Oct. 1 - Sept. 30.
94-280 H.R. 8235 90 Stat. 373	May 5, 1976 HRpt. No. 94-476 SRpt. No. 94-738	To authorize appropriations for the construction of certain highways.



SELECTED PUBLIC LAWS ENACTED BY THE 94TH CONGRESS, 2ND SESSION

<u>PUBLIC LAW</u>	<u>DATE APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-297 S. 2129 90 Stat. 586	May 29, 1976 HRpt. No. 94-1038 SRpt. No. 94-620	"Indian Crimes Act of 1976"
94-303 H.R. 13172 90 Stat. 660	June 1, 1976 HRpts. No. 94-1027 and No. 94-1133 SRpt. No. 94-802	Supplemental Appropriation for FY 1976 thru 9-30-76
94-310 H.R. 11438	May 13, 1976 SRpt. 94-830	To amend title 5, USC, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes.
94-371 S. 3184	July 26, 1976 SRpt. 94-705 S.Doc. No. 94-209	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1976.
94-373 H.R. 14231	July 31, 1976 HRpt. 94-1218 SRpt. 94-991 HConf. 94-1330	Interior & Related Agencies Approp. FY 1977
94-375 S. 3295	August 3, 1976 SRpt. 94-749 SConf. 94-1291 HConf. 94-1304	Housing Amendment Act of 1976 Revising & extending certain HUD programs.

TO SCHEDULE NON-FEDERAL WITNESSES

Hearings—Senate Indian Affairs Subcommittee:

Communicate with Forrest Gerard, Room 3106, Dirksen  
Senate Office Building, United States Senate,  
Washington, D. C. 20510  
Phone: (FIS 202-224-7143)

Hearings—House Indian Affairs Subcommittee:

Communicate with Franklin Ducheneaux, Room 422 House  
Congressional Annex, House of Representatives,  
Washington, D. C. 20515  
Phone: (FIS 202-225-1684)

TO SCHEDULE NON-FEDERAL TESTIMONY

Hearings before other Committees, communicate with the Committee's  
Office.

TENTATIVE CONGRESSIONAL COMMITTEE SCHEDULES

1976

HEARINGS

- 8/23  
(tentatively) House Subcom. on Indian Affairs—H.R. 14417, Indian land consolidation
- 8/24,24  
9/1&2 House Subcom. on Water Resources—Water Resources Development Act of 1976
- 8/24  
(tentatively) House Subcom. on Water & Power—Federal Reclamation project
- 8/27 Senate Subcom. on Environment—Payment in lieu of taxes, H.R. 9719 & S. 3468
- 9/13 House Subcom. on Indian Affairs—Sioux & Wichita claims S. 2780; & Zuni land claims, S. 877.

MARKUPS

- 8/24,25,26 House Interior & Insular Affairs Comm.—Surface Mining H.R. 13950
- 8/24 House Merchant Marine & Fisheries—Pilot program compensation to victims of predation by Endangered Species, H.R. 14418.

HOUSE SCHEDULE FOR REMAINDER OF 1976

Republican Convention (week of August 16)	Thurs., August. 12 thru Fri., Aug. 20
Labor Day (Mon., Sept. 6)	Fri., Sept. 3 thru Tues. Sept. 7
Jewish New Year (Sat., Sept. 25)	Fri., Sept. 24
Adjourn	Sat., Oct. 2

Recess commence at the close of business on the PREVIOUS LEGISLATIVE DAY. If necessary to continue Session past October 2, a Yom Kippur (October 4) recess will be necessary. Election Day is TUESDAY, NOVEMBER 2.

SENATE SCHEDULE FOR REMAINDER OF 1976

Republican Convention	Wed., Aug. 10 thru Mon. Aug. 23
Labor Day (Mon., Sept. 6)	Wed., Sept. 1, thru Tues. Sept 7
Expected Adjournment Sine Die	Sat., October 2

**ORDERING INFORMATION:**

*For House bills, documents, reports and public laws, write (enclosing a self-addressed gummed label) to:*

House Document Room, Washington, D.C. 20515.

*For the Senate, same as above to:*

Senate Document Room, Washington, D.C. 20510.

*For copies of hearings and committee prints, write to the appropriate committee, addressing your inquiry as follows:*

Committee  
House of Representatives [U.S. Senate]  
Washington, D.C. 20515 [20510].

*For copies of Federal Register filings, write to the agency involved or to:*

Office of the Federal Register  
General Services Administration  
Washington, D.C. 20408

For copies of General Accounting Reports, write to:  
General Accounting Office  
Room 4522  
441 G Street, N.W.  
Washington, D.C. 20548

(copies may be obtained for \$1.00 each)

CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
Bureau of Indian Affairs  
Legislative Report  
94th Congress 2nd Session  
Period Ending September 3, 1976

Aug. 23

Bills enacted into law.

H.R. 14514, to allow the State of California to provide higher supplementary payments to its needy aged, blind, and disabled in lieu of making them eligible for food stamps. Signed 8/10/76 (P.L. 94-379);

S. 537, to eliminate the requirement for special three-judge district courts in cases seeking to enjoin the enforcement of State and Federal laws on the grounds of unconstitutionality. Signed 8/12/76 (P.L. 94-381);

S. 1526, authorizing \$9 million for acquisition of lands in the Boundary Waters Canoe Area, Minnesota. Signed 8/13/76 (P.L. 94-384);

H.R. 12169, extending the Federal Energy Administration until September 30, 1977. Signed 8/14/76 (P.L. 94-385).

The Senate passed S. 393, to provide for the study of certain lands in Montana to determine their suitability for designation as wilderness.

The House Interior Subcommittee on Water and Power Resources approved for full committee action H.R. 13101, to provide for the consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws.

The Senate Interior Com. filed its report (No. 94-1158) on H.R. 13713, to provide for increases in appropriation ceilings and boundary changes in certain units of the National Parks System.

Rep. Jacobs and others introduced H.R. 15201, to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to Judiciary Com.

The House received from HEW proposed amendments to regulations governing eligibility of Indian students for BIA grants-in-aid and financial assistance from the Commissioner of Education; to Education and Labor Com.



Aug 23 (cont'd)

The House received the Interior Dept's. proposed plan for the use and distribution of Seneca Indian awards granted by the Indian Claims Commission in dockets 84, 342-B and C and 368, 342-F, and 342-I; to Interior Com.

The House received notice of the intention of the Departments of the Army and Agriculture to interchange lands at the Leech Lake Reservoir Project, Minnesota, and the Chippewa National Forest; jointly to Public Works and Transportation, and Agriculture Com's.

The House Appropriations Com. filed its report (No. 94-1425), on H.R. 15194, FY 1977 Appropriations for public works employment.

The House Committee on Government Operations filed its report (No. 94-1426), on H.R. 13828, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies.

The House Interior Com. filed its report (No. 94-1427) on H.R. 13160, to designate certain lands within units of the National Park System as wilderness; and to revise the boundaries of certain of those units; and (No. 94-1428) on S. 2371, to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System.

The House Government Operations Com. filed its report (No. 94-1429) on H.R. 14451, to amend the Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes.

Aug 24

The Senate agreed to the conference report on H.R. 12455, authorizing appropriations to extend child care and social services programs.

The House passed the following:

H.R. 13828, to strengthen the authority of the Administrator for General Services with respect to records management by Federal agencies;

H.R. 14451, to permit the donation of Federal surplus personal property to the States and local organizations for public purposes;

S. 2548, in lieu of H.R. 12664, to revise and extend the provisions of title XII of the Public Health Service Act relating to emergency medical services systems;

H.R. 15116, to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for FY 1977.



Aug 24 (cont'd)

The Senate Interior Com. filed its report (No. 94-1162), on S. 3395, to authorize appropriations for the construction of the Uintah Unit of the Central Utah Project.

The Senate received the Interior Dept's. proposed plan for the use and distribution of certain judgment funds awarded by the Indian Claims Commission, to Interior Com.

Rep. McCormack introduced H.R. 15239, to authorize the acquisition of lands, easements, rights-of-way, and complete relocations associated with Canyons 1 and 2 at Wenatchee, Wash.; and H.R. 15240, to authorize hydrographic surveys of the Columbia River from Richland, Wash., to Grand Coulee Dam; both to Public Works and Transportation Com.

Sen. Burdick introduced S. 3765, to provide for the construction of a certain memorial along the route of the Lewis and Clark Expedition in North Dakota on the Fort Berthold Indian Reservation, to Interior Com.

The House Com. on Public Works and Transportation's Subcom., began hearings on the Water Resources Development Act of 1976.

Aug 25

The House passed H.R. 15194, FY 1977 appropriations for public works employment.

The Senate passed S. 3091, to establish guidelines for improved management of the National Forest System.

The Senate Finance Com., concluded hearings on H.R. 13367, to amend and extend the State and Local Fiscal Assistance Act (General Revenue Sharing).

The House passed H.R. 14070, Guaranteed Student Loan Amendments of 1976.

The House Interior Com. ordered reported H.R. 13950, Surface Mining Control and Reclamation Act of 1976.

The House Judiciary Com. ordered reported H.R. 15, Public Disclosure of Lobbying Act.

The House Merchant Marine & Fisheries Com. ordered reported H.R. 9067, to provide additional funds to States to carry out restoration projects and programs; H.R. 13374, to establish the Minnesota River Valley National Wildlife Refuge; and H.R. 14418, to establish a pilot program to compensate persons who suffer loss or damage from predation by endangered species.

Aug 26

The Senate passed S. 3395, authorizing funds for construction of the Uintah Unit of the Central Utah project.

The Senate passed an amended H.R. 13713, authorizing funds for acquisition of numerous units and areas for inclusion in the National Parks System.

The Senate considered S. 2657, authorizing funds thru FY 1982 for vocational and higher education program, and adopted an amendment sponsored by Sen. Pearson making all BIA postsecondary schools eligible for funding under the Higher Education Act of 1965.

The Senate Interior Com. filed its report (No. 94-1170) on S. 3651, to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for Klukwan village.

The Senate Interior Com.'s Subcom. on Energy Research and Water Resources held a hearing on H.R. 589, for the relief of the Santa Ynez River Water Conservation Dist., Cal., as the result of delivering water to Santa Ynez Indian Reservation lands; and on S. 3263, re consideration of the comparative productive potential of irrigable lands in determining nonexcess acreages under Federal Reclamation laws.

The House passed S. 3283, after substituting the language of H.R. 14578, authorizing various Federal reclamation projects and programs.

The House received the Conference Report (No. 94-1439), on S. 217 to repeal the 1926 Pueblo lands condemnation Act.

The House received the Conference Report (No. 94-1441) on S. 5, to provide that meetings of certain Government agencies shall be open to the public.

The House Ways & Means Com. held a hearing on H.R. 8989, to amend the Internal Revenue Code of 1954 to provide the same tax treatment for recognized Indian tribes as are applicable to other governmental units [The Indian Tribal Government Tax Status Act].

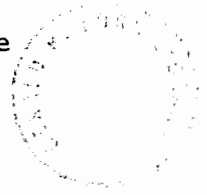
Rep. Pressler introduced H.R. 15287, to amend the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); to Education & Labor Com.

Aug 27

The Senate passed S. 2657, authorizing funds thru FY 1982 for vocational and higher education programs.

The Senate passed S.J.Res. 206, calling for a 1977 National Leadership Conference on Energy Policy.

The Senate received the Conference Report (No. 94-1178) on S. 5, to provide that meetings of multi-headed Federal agencies be open to the public.



Aug 27 (cont'd)

The Senate Government Operations Com. filed its report (No. 94-1180) on S. 1437, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships.

The Senate Finance Com. filed its report (No. 94-1181) on H.R. 6860, to provide a comprehensive national energy conservation and conversion program.

The Senate Interior Com. filed its report (No. 94-1184) on S. 2194, to authorize the Secretary of Interior to construct, operate, and maintain the McGee Creek project, Oklahoma.

The Senate Appropriations Com. filed its report (No. 94-1185) on H.R. 15194, FY 1977 public works employment appropriations.

The Senate Interior Com's. Subcom. on Environment and Land Resources held hearings on S. 3468 and H.R. 9719, to provide for payments in lieu of taxes to local governments based on the amount of certain public lands within their boundaries.

The Senate Public Works Com. began markup of proposed water resource development legislation.

The House Interior Com's. Subcom. on National Parks and Recreation held hearings on H.R. 10747, to designate a segment of the Flathead River in Montana as a component of the Wild and Scenic Rivers System.

The House Interior Com's. Subcom. on Indian Affairs held a hearing on H.R. 14417, the Indian Land Consolidation and Resources Inventory Act. Testimony was received from Interior Dept. (BIA) representative and from the Chairman of the Quinault Tribe representing NTCA.

Sen. Abourezk introduced S. 3777, to establish standards for the placement of Indian children in foster or adoptive homes, to prevent the breakup of Indian families; to Interior Com.

Sen. Stevens was added as a cosponsor of S. 3737, authorizing appropriations under the Indian Elementary and Secondary Assistance Act of 1965.

Sen. Muskie inserted in the Cong. Record EDA's regulations and guidelines for local communities for implementation of the Local Public Works Capital Development and Investment Program.

Aug 27 (contd)

In a floor statement Sen. Kennedy objected to "repeated postponments" of Interior Com. consideration of S. 3298, the Central Arizona Indian Tribal Water Rights Settlement Act of 1976. He also inserted in the Cong. Record an August 5 New York Times article entitled "An Arizona Indian Asks Congress to Enact a Water Rights Bill".

Aug. 30

The House passed S. 2228 after substituting the language of H.R. 9398, the Public Works and Economic Development Act Amendment of 1976.

The House passed H.R. 8911, the Supplemental Security Income Amendments of 1976, after substituting the text of H.R. 15080.

Sen. Jackson submitted amendment No. 2233 to the amended House version of S. 522, the Indian Health Care Improvement Act.

The Senate Interior Com. filed its report (No. 94-1190) on S. 3430, to amend the act approved 8/18/70, providing for improvement in the administration of the National Park System by the Secretary of Interior and clarifying authorities applicable to the National Park System.

The Senate received a letter from the Comptroller General transmitting a report on the rescission and deferral proposals in the President's July 28 special message; to Appropriations, the Budget, Agriculture & Forestry, and Labor & Public Welfare Com's.

The Senate received a letter from the Interior Department transmitting a report entitled "Critical Water Problems Facing the Eleven Western States"; to Interior Com.

The House received a letter from the Interior Department transmitting the third volume of the westwide study report entitled "Critical Water Problems Facing the Eleven Western States", pursuant to P.L. 90-537; to Interior Com.

Aug. 31

The House and Senate agreed to the Conference Report on S. 5, to provide that meetings of Government agencies shall be open to the public, clearing it for Presidential action.

The Senate passed S. 1437, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships.

The House agreed to the Conference Report on S. 217, to repeal an Act providing for the condemnation of certain Pueblo Indian lands.

Aug. 31 (cont'd)

Sen. Gravel submitted amendment No. 2273 to S. 3651, to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for Klukwan village.

The Senate disagreed to the House amendment to S. 2981, authorizing funds for the Indian Claims Commission for FY 1977, requested a conference with the House, and appointed as conferees: Sen's. JACKSON, METCALF, JOHNSTON, ABOUREZK, FANNIN, AND BARTLETT.

The House Interior Com. filed its report (No. 94-1445) on H.R. 13950, to provide for the cooperation between the Secretary of Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines.

The Senate Budget Com. filed its report (No. 94-1191) on S. Res. 512, waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3737 authorizing funding for grants under the Indian Elementary & Secondary Assistance Act and other Acts.

The Senate Finance Com., announced that on Aug 30 it ordered reported H.R. 13367, to amend the State and Local Fiscal Assistance Act (General Revenue Sharing).

The House agreed to H. Res. 1503, electing Rep. Steed as Chairman of the Committee on Small Business, and H. Res. 1504, electing Rep. Ichord as a member of the Committee on Small Business.

The House passed S. 2657, to extend the Higher Education Act of 1965, after substituting the provisions of H.R. 12835, H.R. 13851, and H.R. 14070, as passed. The House insisted upon its amendments, requested a conference with the Senate, and appointed as conferees: Rep's. PERKINS, THOMPSON, BRADEMAS, O'HARA, HAWKINS, FORD of Mich., MINK, MEEDS, CHISHOLM, BIAGGI, ANDREWS of NC, LEHMAN, BENITEZ, BLOUIN, CORNELL, SIMON, BEARD of RI, ZEFERETTI, MILLER of Calif., MOTT, HALL of Ill., QUIE, ASHBROOK, BELL ERLBORN, ESCH, ESHLEMAN, BUCHANAN, JEFFORDS, GOODLING, AND SMITH of Neb.

The House passed S. 2862, to authorize appropriations for the Federal Fire Prevention and Control Act of 1974.

The Senate Foreign Relations Com. ordered reported "Agreement on the Conservation of Polar Bears (Ex. I, 94th Cong., 1st sess.)"; "Protocol amending the Interim Convention on Conservation of North Pacific Fur Seals (Ex. M, 94th Cong., 2nd sess.)".

## Sept. 1

The House agreed to S. Con. Res. 136, providing for recess of the Senate from Sept. 1-7, 1976, and of the House from Sept. 2-8, 1976.

The Senate amended and passed S. 3651, to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of certain lands for the Village of Klukwan.

The Senate agreed to the Conference Report on H.R. 5465, to revise retirement benefits for certain employees of the BIA and the IHS, who are not entitled to Indian preference.

The House received the Conference Report (No. 94-1456) on H.R. 5465, to allow Federal employment preference (or early retirement) to certain BIA and IHS employees.

## Sept. 2

The House passed S. 2212, after substituting the language of an amended H.R. 13636, to amend Title I (LEAA) and II of the Omnibus Crime Control and Safe Streets Act of 1968.

Rep. Rhodes inserted in the Cong. Record the platform of the Republican Party.

Rep. Clausen introduced H.R. 15426, to require the payment of interest by Federal agencies on overdue contract payments, to amend the Office of Federal Procurement Policy Act; to Government Operations Com.

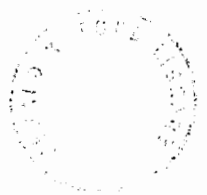
The House Merchant Marine & Fisheries Com. filed its report (No. 94-1470) on H.R. 13374, to establish the Minnesota River Valley National Wildlife Refuge.

The House Judiciary Com. filed its report (No. 94-1474, Pt. 1) on H.R. 15, to regulate lobbying and related activities.

The House received the Army's proposed legislation to authorize the operation of lake regulation control works under the jurisdiction of the Department of the Army in the St. Marys River at Sault Ste. Marie, Mich., in the interest of minimizing damages to shore property on the Great Lakes during periods of high lake levels; to Public Works and Transportation Com.

The House Agriculture Com. ordered reported H.R. 15059, to amend the Emergency Livestock Credit Act of 1974.

The House Standards of Official Conduct Com. defeated a motion to waive it's jurisdiction on lobbying legislation [see H.R. 15 above] and will meet on Sept. 9 to consider the subject matter.



TO SCHEDULE NON-FEDERAL WITNESSES

Hearings—Senate Indian Affairs Subcommittee:

Communicate with Forrest Gerard, Room 3106, Dirksen  
Senate Office Building, United States Senate,  
Washington, D. C. 20510  
Phone: (FIS 202-224-7143)

Hearings—House Indian Affairs Subcommittee:

Communicate with Franklin Ducheneaux, Room 422 House  
Congressional Annex, House of Representatives,  
Washington, D. C. 20515  
Phone: (FIS 202-225-1684)

TO SCHEDULE NON-FEDERAL TESTIMONY

Hearings before other Committees, communicate with the Committee's  
Office.

TENTATIVE CONGRESSIONAL COMMITTEE SCHEDULES

1976

Sept. 8

The House Interior Com. will markup pending legislation. (Rm. 1324LHOB, 9:45a.m.)

The Senate Rules and Administration Com. will hold hearings on S. 2925, providing for the elimination of inactive overlapping Federal programs, requiring authorizations of new budget authority at least every four years, establishing a procedure for zero-based review and evaluation of Federal programs and activities every four years.

The Select Education Subcom. of the House Education & Labor Com. and Children & Youth Subcom. of the Senate Labor & Public Welfare Com., will conduct joint hearings on institutionalized foster care and alternatives. (Rm. 2261RHOB, 9:30 a.m.)

Water Resources Subcom., House Public Works Com., to hold hearings on the Water Resources Development Act of 1976 (to be introduced at end of hearing).

Sept. 9

The House Education and Labor will markup a substitute bill to H.R. 50, guaranteeing full employment (Rm. 2175RHOB, 9:30 a.m.).

House Conferees will meet on H.R. 12987, CETA Stopgap Extension. (Rm. & Time--TBA).

Senate Interior Com. will markup pending business. (Rm. 3110DSOB, 10a.m.).

Sept. 10

The House Interior Com., Subcom. on Indian Affairs will hold hearings on H.R. 14629 (Amend Indian Claims Commission Act of 1946-Black Hills & Wichita claims); and on H.R. 4212 (Zuni Salt Lake exchange & Zuni land claims). (Rm. 1303LHOB, 10 a.m.)





Sept. 13&14

The Water & Power Resources Subcom. of the House Interior Com. will hold oversight hearings on Bureau of Reclamation 160-acre limitation program. (Rm. 1324LHOB, 9:45 a.m.).

Sept. 15

Senate Conferees will meet on S. 507, BLM Organic Act. (Rm., Time--TBA).

Sept. 22&23

The Conservation & Credit Subcom. of the House Agriculture Com., will hold hearings followed by markup of sundry watershed programs. (Rm. 1302LHOB, 2 p.m.).

OTHERS

Sen. Abourezk has scheduled Senate Indian Affairs Subcom. hearings on BIA & IHS contracting with Indian organizations.

- Sept. 2 - Juneau
- Sept. 3 - Anchorage
- Sept. 4 - Bethel (a.m.)
- Sept. 4 - Fairbanks (p.m.)

The Manpower Subcom. of the House Education & Labor Com. will hold the following exploratory hearings to lay the groundwork for possible revisions of Comprehensive Employment & Training Act when authorization expires in 1977:

- Sept. 16--Wash, DC
- Sept. 17&18--LA
- Sept. 21, 23, 29--Wash, DC
- Oct 7--Boston
- Nov. 8--Chicago
- Nov. 9--Minneapolis
- Nov. 18&19--Portland
- Dec. 2--Denver
- Dec. 3&4--Phoenix

HOUSE SCHEDULE FOR REMAINDER OF 1976

Republican Convention (week of August 16)	Thurs., August. 12 thru Fri., Aug. 20
Labor Day (Mon., Sept. 6)	Fri., Sept. 3 thru Tues. Sept. 7
Jewish New Year (Sat., Sept. 25)	Fri., Sept. 24
Adjourn	Sat., Oct. 2

Recess commence at the close of business on the PREVIOUS LEGISLATIVE DAY. If necessary to continue Session past October 2, a Yom Kippur (October 4) recess will be necessary. Election Day is TUESDAY, NOVEMBER 2.

SENATE SCHEDULE FOR REMAINDER OF 1976

Republican Convention	Wed., Aug. 10 thru Mon. Aug. 23
Labor Day (Mon., Sept. 6)	Wed., Sept. 1, thru Tues. Sept 7
Expected Adjournment Sine Die	Sat., October 2

CONGRESSIONAL AND LEGISLATIVE AFFAIRS STAFF  
Bureau of Indian Affairs  
Legislative Report  
94th Congress - 2nd Session  
Period Ending October 1976

Sept. 7

Bills enacted into law.

H.R. 2943, Private relief of the Estate of James J. Caldwell.  
Signed 8/6/76 (P.L. 94-56);

H.R. 3650, requiring Federal agencies reemploying civil service annuitants to deposit to the credit of the retirement fund the amounts of annuity deducted from their salaries. Signed 9/3/76 (P.L. 94-397).

On August 23, the House received a letter from the Interior Dept., transmitting notice of the cancellation of irrigation operation and maintenance charges against individuals of the Wind River Indian Reservation, pursuant to the Act of July 1, 1932 (47 Stat. 564); to Interior Com.

The Senate agreed to the conference report on S. 217, to repeal the 1926 Pueblo lands condemnation act, clearing it for Presidential action.

Sen's. Jackson & Fannin introduced (by request), S. 3792, to authorize and appropriate funds for the acquisition, improvement, rehabilitation, and maintenance of the National Park System and the National Wildlife Refuge System areas and to increase grants to communities to improve park and recreation facilities; jointly to Appropriations, Banking, Housing & Urban Affairs, Commerce and Interior Com's.

The Senate Finance Com. filed its report (No. 94-1207) on H.R. 13367, to extend and amend the State and Local Fiscal Assistance Act of 1972 [General Revenue Sharing].

Sept 8

The House received a GAO report on Federal agencies recruitment and retention of physicians and dentists, jointly to Government Operations, Veterans' Affairs, Armed Services, Interstate & Foreign Commerce, and Post Office & Civil Service Com's.



Sept 8 contd

Sen. Mathias introduced S. 3798, to amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; to Post Office & Civil Service Com.

The House received the President's proposed FY 1977 supplemental appropriations to pay claims and judgments against the United States (H.Doc. No. 94-603); to Appropriations Com.

The House received a GAO report on progress and problems in giving rural areas first priority when locating Federal facilities; jointly to Government Operations and Agriculture Com's.

Rep. Jacobs, and others introduced H.R. 15467, to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to Judiciary Com.

The Senate Interior Committee ordered reported H.R. 589, to provide to the Santa Ynez River Water Conservation District, California, as a result of delivery of water to Santa Ynez Indian Reservation lands (to enter into an amended repayment contract to reduce by \$1,120 annually the amount due the United States to repay a Small Reclamation Projects loan of \$3,800,000); and

H.R. 9719, to require the Secretary of the Interior to make payments to local governments based on the amount of certain public lands within their boundaries, amended, to include certain federally owned land administered by the BIA.

The House Interior Committee ordered reported H.R. 13101, amended, to provide potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws; and

H.R. 14934, amended, to adjust the boundaries of certain units of the National Park System; and

H.R. 4345, amended, to amend the Act entitled "An Act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school".

The Senate passed H.R. 14238, making FY 1977 appropriations for the Legislative Branch after adopting an amendment to eliminate the so-called one percent kicker given to Federal civilian and military retirees.

The Senate Public Works Subcom. on Water Resources approved for full committee consideration an original bill authorizing funds for river and harbor projects to the Army Corps of Engineers for FY's. 1977 and 1978.

Sept 8 contd

The Senate Agriculture Com. filed its report (No. 94-1478) on H.R. 15069, to amend the Forest and Rangeland Renewable Resources Planning Act of 1974.

New Public Law--H.R. 12455, authorizing funds to extend child care and social services programs. (Signed 9/7/76 (P.L. 94-401)

Sept. 9

By a vote of 78 to 0, the Senate concurred in the House amendment with a printed amendment (No. 2233) in the nature of a substitute, to the bill S. 522, to implement the the Federal responsibility for the care and education of the Indian people by improving the services and facilities of Federal Indian health programs and encouraging maximum participation of Indians in such programs [Indian Health Care Improvement Act].

On Sept. 2, Rep. Stokes, et al, introduced H.R. 15452, to require that any person holding a federally related home mortgage shall provide certain services and follow certain procedures before instituting foreclosure proceedings with respect to such mortgage (Foreclosure Forebearance Standards Act).

Rep's. Brooks & Horton introduced H.R. 15499, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships; to Government Operations Com.

The Senate received a letter from the Chairman, Consumer Product Safety Commission transmitting a copy of a letter to the Office of Management and Budget commenting on S. 5, ("Sunshine Act" and Freedom of Information Act Amendment) an enrolled bill; to Government Operations Com.

The Senate received a number of 1975 annual reports from education advisory committee, including a communication from the Chairman of the National Advisory Council on Indian Education, transmitting the annual report of the Council for calendar year 1975; to Labor and Public Welfare Com.

Sept. 10

The House Interior Com's. Subcom. on Indian Affairs held hearings on H.R. 4212 (S.877), to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; and H.R. 14629 (S. 2780), to amend the Indian Claims Commission Act of August 13, 1946, (re the Sioux Black Hills and Wichita claims).

Sept 10 contd

The House agreed to the conference report on H.R. 5465, to allow Federal employment preference (preferential retirement) to certain BIA and IHS employees; clearing it for Presidential action.

The Senate passed H.R. 15194, making FY 1977 appropriations for public works employment programs, and appointed as conferees: Sen's. PASTORE, McCLELLAN, PROXMIRE, JOHNSTON, HUDDLESTON, YOUNG, HURSKA, MATHIAS, and BELLMON.

The House agreed to the conference report on S. 327, to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund; clearing it for Senate action. The House agreed to H.Con.Res. 745, correcting the enrollment of S. 327.

Sen. Mansfield introduced S. 3800, to provide for the reimbursement for losses sustained by persons injured by certain criminal acts, to make grants to States for the payment of such reimbursement; ordered placed on the Calendar.

The House received the conference report (No. 94-1501) on H.R. 366, to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to certain public safety officers who die in the performance of duty.

Sept. 13

New Public Law--S. 5, to provide that meetings of Government agencies be open to the public. Signed 9/13/76 (P.L. 94-409)

The Senate Agriculture & Forestry Com. filed its report (No. 94-1234) on H.R. S. 2823, authorizing a Cooperative Extension Service study with a view to establishing a program for small farmers to improve their farm operations.

The Senate agreed to the conference report on S. 327, increasing annual authorizations for the Land and Water Conservation fund, and establishing a National Historic Preservation fund, clearing it for Presidential action.

The Senate Government Operations Com. concluded hearings on H.R. 14451, to permit the donation of Federal surplus personal property to the States and local organizations for public purposes.

The House received the conference report (No. 94-1514) on H.R. 12987, to authorize appropriations for the Comprehensive Employment and Training Act of 1973 for FY 1976 and the transition period; and

Sept 13 contd

Conference report (No. 94-1516) on H.R. 10339, to encourage the direct marketing of agricultural commodities from farmers to consumers.

The House disagreed to the Senate amendments to H.R. 15194, making FY 1977 appropriations for public works employment and appointed as conferees: Rep's. MAHON, EVINS (Tenn), SHIPLEY, ROUSH, TAXLER, BAUCUS, STOKES, BURKE (Cal.), CEDERBERG, TALCOTT, McDADE, & YOUNG (Fla.).

The House Education & Labor Com's. Subcom. on Elementary, Secondary, and Vocational Education held a hearing on H.R. 11023, Elementary and Secondary Career Education Act.

The House Government Operations Com's. Subcom. on Legislation and National Security approved for full committee action S. 1437, Federal Grant and Cooperative Agreement Act of 1976.

Sen. Domenici urged support of S. 522, the Indian Health Care Improvement Act of 1976, but noted that his amendment to provide first aid health care in BIA schools has been eliminated.

The Senate concurred in the House amendments to S. 3283, authorizing the Secretary of Interior to construct, operate, and maintain the Oroville-Tonasket unit extension, Okanogan-Similkameen division, Chief Joseph Dam project, Washington, clearing it for Presidential action.

The House Merchant Marine & Fisheries Com. filed its report (No. 94-1511) on H.R. 14418, to establish a pilot program to compensate persons who suffer loss or damage from predation by endangered species.

Sept. 14

The Senate passed H.R. 13367, to extend through FY 1982 the State and Fiscal Assistance Act (General Revenue Sharing); appointed as conferees Sen's. LONG, TALMADGE, NELSON, GRAVEL, HATHAWAY, FANNIN, HANSEN & PACKWOOD.

The Senate Armed Services Com. ordered reported H.R. 3954, to provide protection from malpractice liability for Defense Dept. medical personnel.

New Public Law--S. 2862, authorizing funds for FY's. 1977-1978 for Federal Fire prevention and control research programs. Signed 9/13/76 (P.L. 94-411)

Sept. 15

By a 324 to 272 vote the House passed H.R. 10498, Clean Air Act Amendments of 1976.



Sept 15 contd

Rep. Mink introduced H.J. Res. 1098, to establish the Hawaiian Native Claims Settlement Study Commission; to Interior Com.

The House Interior Com. filed its report (No. 94-1560) on H.R. 4345, to amend the Act entitled "An Act to authorize the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska for use as a mission school" approved 8/8/1953; and

H.R. 13101 (No. 94-1561), to provide for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws; and

H.R. 15446 (No. 94-1562), to designate certain lands as wilderness

The Senate disagreed to the House amendment to S. 2657, to extend and revise the Vocational Education Act of 1963, and to extend the Higher Education Act of 1965, and appointed as conferees Sen's. PELL, RANDOLPH, WILLIAMS, KENNEDY, MONDALE, EAGLETON, CRANSTON, HATHAWAY, BEALL, JAVITS, SCHWEIKER, STAFFORD AND TAFT.

The House received the Conference Report (No. 94-1555) on H.R. 14232, FY 1977 appropriations for Labor & HEW.

Sen. Cranston delivered a statement to the Senate on housing, and included a statement regarding HUD's Indian housing program and that "Congress has demanded that HUD implement section 5(c) of the 1974 Housing Act as Congress intended." That provision "excluded Indian public housing from the regular payment of operating subsidies \* \* \*".

The House Rules Com. voted to table H.R. 13950, Surface Mining & Reclamation Act.

The House Judiciary Com. filed its report (No. 94-1558) on H.R. 15460, to allow the awarding of attorney's fees in certain civil rights cases.

The House received the Conference Report (No. 94-1559) on H.R. 14238, FY 1977 appropriations for the Legislative Branch (includes repeal of 1% cost-of-living bonus increase for Federal retirees and continue the current ceilings on Executive level salaries for purpose of the October 1976 Federal employee comparability pay raise.

Sept 16

The House agreed to the Senate version of H.R. 8532, Antitrust Parents Patraie Act which includes authority for State Attorney Generals to file class-action suits on behalf of State citizens for damages resulting from violations of antitrust laws.



Sept 16 contd

The Senate agreed to the Conference Report on H.R. 366, Public Safety Officers' Benefits Act of 1976, clearing it for presidential action. The bill provides for LEAA to pay a \$50,000 benefit to the survivors of law enforcement officers and firemen killed in the line of duty while serving a "public agency" in an official capacity, with or without compensation. "Public agency" is defined to include "any unit of local government" but does not include Federal employees.

The House Rules Com. filed its report clearing it for floor action H.R. 15, to amend the Lobbyist Registration Act. The bill would define as a lobbyist required to register and report quarterly any organization that spends over \$1,250 every 3 months on lobbying or employs a person to be identified in quarterly reports who devotes at least 20 percent of his or her time to lobbying.

The Senate Judiciary Com. filed its report (No. 94-1245) on H.R. 11722, to prohibit the practice of requiring political contributions in order to hold or obtain a job in programs where Federal funds are involved.

The Senate Public Works Com. filed its report (No. 94-1255) on S. 3823, authorizing construction, repair, and preservation of certain public works on rivers and harbors.

The House Education & Labor Com. agreed to a revised H.R. 50, Equal Employment Opportunity Act.

The Senate passed H.R. 1386 (for the relief of Smith College) after adding an amendment to the Internal Revenue Code, to provide for tax credits for certain expenses in attending an institution of higher education or a vocational school, limited as follows: 1977-\$100; 1978-\$150; 1979-\$200; 1980-\$250.

The House passed S. 3219, Clean Air Act Amendments, after amending it to substitute the language of H.R. 10498 as passed by the House on 9/15; and appointed as conferees: Rep's. STAGGERS, ROGERS, SATTERFIELD, PREYER, SYMINGTON, SCHEUER, WAXMAN, FLORIO, CARNEY, MAGUIRE, DEVINE, CARTER, BROYHILL, HEINZ, and MADIGAN.

Sen. Abourezk noted that on 8/27 he introduced S. 3777, the Indian Child Welfare Act of 1976, and inserted in the Cong. Record it's text and a section-by-section analysis.

The House insisted on its amendments to S. 2981, to authorize FY 1977 appropriations for the Indian Claims Commission, and appointed as conferees: Rep's. HALEY, TAYLOR (NC) MEEDS, STEPHENS, RISENHOOVER, YOUNG (Alaska) and JOHNSON (Colo.).

Sept 16 contd

The Senate Interior Com. filed its report (No. 94-1244) on H.R. 589, to authorize the Secretary of Interior to provide relief to the Santa Ynez River Water Conservation District due to delivery of water to the Santa Ynez Indian Reservation lands.

The House Interior Com. filed its report (No. 94-1569) on H.R. 11887, to amend the Act of 8/18/70, providing for improvement in the administration of the National Park System by the Secretary of Interior and clarifying authorities applicable to the National Park System, with amendment.

The Senate Government Operations Com. filed its report (No. 94-1572) on H.R. 15499, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships.

Rep. Perkins introduced H.R. 15591, to extend and revise the commodity supplemental food program; jointly to Education & Labor and Agriculture Com's.

Rep's. Charles Wilson (Tex.) & Breaux introduced H.R. 15600, for the relief of the Alabama-Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana; to Interior Com.

Rep. Mink introduced H.J.Res. 1099, authorizing the President to proclaim the week of October 10 thru 16, 1976, as "Native American Awareness Week"; to Post Office & Civil Service Com.

Sept. 17

New Public Law--S. 217, to repeal the law allowing condemnation of Pueblo lands under State law. Signed 9/17/76 (P.L. 94-416)

The Senate Judiciary Com. filed its report (No. 94-1258) on S. 796, to improve administrative procedures of Federal departments and agencies on a Government-wide basis, with amendments; and

S. 798 (No. 94-1259), to provide that the "separation-of-functions" require in the Administrative Procedures Act apply to all employees of an agency engaged in investigation functions, except the general counsel, with amendments.

The Senate passed S. 2823, authorizing a Cooperative Extension Service study with a view to establishing a program for small farmers to improve their operations.

The Senate agreed to the House amendments to S. 2371, to regulate mining activities within areas of the National Park System, clearing it for Presidential action.

Sept 17 contd

The Senate passed S. 3430, to improve the administration of, and to clarify the law enforcement and other authorities applicable to the National Park System.

The House passed H.R. 15069, National Forest Management Act of 1976.

Rep. Rhodes' statement in support of House acceptance of Senate amendments to S. 522 [Indian Health Care Improvement Act], was placed in the Cong. Record. He explained 3 major amendments: (1) a reduction of \$1,134,987 from the Senate bill; (2) the funds allocated in the bill for construction of Indian health service hospitals were redistributed to permit a more realistic implementation of that activity; and (3) the implementation date for the programs in the bill was changed from FY 1977 to FY 1978.

The House agreed to the Conference Report on H.R. 15194, FY 1977 appropriations for Public Works Employment.

The House agreed to the Conference Report on H.R. 12987, Emergency Jobs Programs Extension Act of 1976.

The House passed S. 3091 after substituting the language of H.R. 15069, National Forest Management Act of 1976.

The Senate agreed to the second conference report on H.R. 14232, FY 1977 appropriations for Labor & HEW, clearing it for Presidential action.

Rep's. Pepper & Diggs introduced H.R. 15620, to amend the Elementary and Secondary Education Act of 1965 to provide grants to establish regional demonstration programs to encourage secondary school students from a disadvantaged background to pursue careers in the health professions; and

H.R. 15621, to amend the Higher Education Act of 1965 to provide grants to certain eligible institutions of higher education for regional medical academic summer enrichment programs to prepare undergraduate students from disadvantaged backgrounds for careers in the several medical professions; and

H.R. 15622, to provide capitation grants to medical, osteopathic, and dental schools for increasing the enrollment of students from disadvantaged backgrounds; all to Education & Labor Com.

Rep's. Yates, Santini, Runnels, Young (Alaska) and 20 others introduced H.J.Res. 1102, authorizing the President to proclaim the week of October 10 thru 16, 1976, as "Native American Awareness Week"; and

Rep's. Risenhoover, Abdnor, English, Howe, and 9 others introduced H.J.Res. 1103, an identical bill; both to Post Office & Civil Service Com.

Sept 17 contd

The House Agriculture Com. filed its report (No. 94-1598) on H.R. 15059, to amend the Emergency Livestock Credit Act of 1974.

The House received the Conference Report (No. 94-1612) on H.R. 5546, Health Manpower Act of 1975.

Sept. 20

The Senate received the Conference Report (No. 94-1260) on H.R. 12838, authorizing funds through FY 1980 for programs of the National Foundation on the Arts and Humanities.

The Senate disagreed to the House amendment to S. 3219, Clean Air Act Amendments of 1976, and appointed as conferees: Sen's. MUSKIE, RANDOLPH, GRAVEL, MORGAN, CULVER, HART (Colo.), BAKER, BUCKLEY, STAFFORD, McCLURE, & DOMENICI.

The Senate Small Business Com. scheduled hearings on women and minorities and the Small Business Administration on October 8 at the Liberty National Bank in Oklahoma City, Okla.

By a 152 to 228 vote the House did not agree to suspend the rules and pass H.R. 14418, to establish a pilot program in Minnesota to compensate persons who suffer loss or damage from predation by endangered species.

By a 192 to 192 vote, the House did not agree to suspend the rules and pass S. 1174, to reduce the hazards of earthquakes.

The House received the Conference Report (No. 94-1613) on H.R. 12838, to amend the National Foundation on the Arts and Humanities to provide for the improvement of museum services and to establish a challenge grant program.

The Senate agreed to the Conference Report on H.R. 5546, to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions and to revise the National Health Service Corps and National Health Service Corps scholarship training program.

Sept 20 contd

By a vote of 118 to 268 vote, the House did not agree to suspend the rules and pass H.R. 11570, to authorize appropriations for the Commerce Dept. to be available until expended or for periods in excess of one year.

Sen's Muskie, Tunney & others introduced S. 3834, to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every 4 years, to establish a procedure for zero-base review and evaluation of Government programs and activities every 4 years.

The Senate Interior Com. filed its report (No. 94-1262) on H.R. 9719, to provide for payments to local governments by the Secretary of Interior based upon the amount of certain public lands within their boundaries.

The Senate Rules & Administration Com. filed its report (No. 94-1263) on S. 2925, to provide for the elimination of inactive and overlapping Federal programs, etc.

The Senate Armed Services Com. filed its report (No. 94-1264) on H.R. 3954, to amend title 10 of the U.S.C., to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of military or civilian medical personnel of the armed forces.

The Senate Agriculture & Forestry Com. filed its report (No. 94-1267) on S. 3713, to extend the Emergency Livestock Credit Act of 1974 to September 30, 1978.

Sept. 21

The House Ways & Means Com. ordered reported H.R. 8989, Indian Tribal Governmental Tax Status Act.

The Senate passed H.R. 11722, to amend title 18 of the U.S.Code to prohibit deprivation of employment or other benefit for political contribution.

The House passed H.R. 15246, to provide that all employees, other than bona fide executive, administrative, or professional employees shall be considered to be service employees for purposes of such act.

The House failed to pass H.R. 12048, Administrative Rulemaking Reform Act of 1976 by a vote of 265 to 135.

By a vote of 117 to 279, the House did not agree to suspend the rules and pass H.R. 13101, to provide for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws.

Sept 21 contd

The House passed S. 3430 after substituting the language of H.R. 11887, providing for the improvement in the administration of the National Park System and clarifying authorities applicable to the National Park System, in lieu after being amended to contain the language of the House bill as passed.

The Senate passed H.R. 11722, to prohibit deprivation of employment or other benefit for political contribution.

Sept 22

The Senate Government Operations Com. ordered reported H.R. 14451, to permit the donation of Federal surplus personal property to the States and local governments for public purposes; and

H.R. 13828, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies.

The House Public Works & Transportation Subcom's. on Water Resources approved for full committee action H.R. 15636 amended, Water Resources and Development Act of 1976.

The Senate agreed to the conference report on H.R. 12987, authorizing FY 1977 funds for public service jobs program under the Comprehensive Employment and Training Act, clearing it for Presidential action.

The House agreed to the amendments of the Senate on H.R. 11722, to prohibit deprivation of employment or other benefit for political contribution; clearing it for Presidential action.

The House Interior Com. filed its report (No. 94-1644) on subdivision of FY 1977 Budget Allocation.

The House passed H.R. 15563, to amend the provisions in 16 USC 4601-17(c), to provide for recreational and other public uses at any dams and reservoirs constructed in a manner consistent with the promotion of navigation flood control, and generation of electric energy, as otherwise required by law.

The Senate passed H.R. 589, to provide relief to the Santa Ynez River Water Conservation District, Calif., as a result of delivery of water to Santa Ynez Indian Reservation lands, clearing it for Presidential action.

The Senate agreed to the conference report on H.R. 15194, FY 1977 appropriations for public works employment.

The Senate agreed to the conference report on H.R. 12838, to amend and extend the National Foundation on the Arts and Humanities Act to provide for improvement of museum services, and to establish a challenge grant program.



Sept 22 contd

The Senate concurred in the House amendment to S. 3430, to improve the administration of, and clarify authorities applicable to, the National Park System, clearing it for Presidential action.

Sept 23

The House & Senate filed its conference report (HRpt. 94-1671 & SRpt. 94-1299) on S. 2228, to amend the Public Works and Economic Development Act of 1965 and extend the authorizations for three years. The bill authorizes \$25 million for each of FY's 1977, 1978, & 1979 for the purpose of providing economic development assistance to Indian tribes.

The House passed H.R. 4345, to authorized the sale of certain public lands in Alaska to the Catholic Bishop of Northern Alaska; and

S. 3651, to amend the ANCSA to provide for the withdrawal of lands for the village of Klukwan, Alaska, clearing it for Presidential action.

Rep. Meeds introduced H.J. Res. 1109, to establish a Commission to examine the effect of Northwest Indian Off-Reservation Treaty Fishing Rights; jointly to Interior & Merchant Marine and Fisheries Com's.

The House received the Interior Department's proposed plan for the use and distribution of the Six Nation award granted by the Indian Claims Commission in dockets 84 and 300-B, and the Stockbridge-Munsee award granted by the Commission in docket 300; to Interior Com.

The Senate Interior Com. ordered reported S. 2144, to establish within the Department of the Interior the position of Assistant Secretary for Indian Affairs; and S.J. Res. 155, to establish the Hawaiian Aboriginal Claims Settlement Study Commission to determine the manner in which such claims might be settled.

The House Interior Com's. Subcom. on National Parks and Recreation approved for full committee action H.R. 10307, to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts and extend Federal recognition to the Wampanoag Tribe.

The Conferees met to resolve the differences between the Senate- and House-passed versions of S. 2981, authorizing funds for the Indian Claims Commission for FY 1977, but did not reach final agreement.

The Senate agreed to the conference report on S. 2228, authorizing funds through FY 1979 under the Public Works and Economic Development Act.



Sept 24

The Senate agreed to the conference report (No. 94-1299) on S. 2228, to extend through FY 1979 the Public Works and Economic Development Act.

Sept 27

The House received the Conference Report (No. 94-1695) on S. 2981, to authorize FY 1977 appropriations for the Indian Claims Commission, extend its life to 9/30/78, and transfer accounting and certain other dockets to the Court of Claims.

The House received the President's veto message (H.Doc. 94-624) on H.R. 5465, which would have provided special retirement benefits to certain non-Indians preference BIA and IHS employees. Ford's message concludes, ". . . H.R. 5465 represents an excessive, although well-motivated, reaction to the situation. Indian preference does pose a problem in these agencies, but it can and should be redressed without resort to costly retirement benefits."

Rep's. Meeds, Adams, Bonker, Foley, Hicks, McCormack & Pritchard introduced H.J.Res. 1111, to provide for the establishment of a Commission to examine the effect of Northwest Indian Off-Reservation Treaty Fishing Rights; jointly to Interior & Merchant Marine & Fisheries Com's.

The House Ways & Means Com. filed its report (No. 94-1693) on H.R. 8989, to amend the Internal Revenue Code to provide recognized Indian tribes them with tax exemptions and general tax treatment applicable to other governmental units (Indian Tribal Government Tax Status Act).

The House received the Conference Report (No. 94-1701) on S. 2657, to amend and extend the Higher Education Act and Vocational Education Act. Section 410 amends the "Snyder Act" (25 U.S.C. 13) to provide that BIA postsecondary schools may receive funds under the Higher Education Act "or any other applicable programs".

Sept 28

The Senate agreed to the conference report on S. 2657, to amend and extend the Higher Education Act and the Vocational Education Act.

Rep. Clausen introduced H.R. 15718, to authorize the Secretary of the Army, acting through the Chief of Engineers, to plan and establish wetland areas in association with water resources development projects; to Public Works & Transportation Com.



Sept 28 contd

The Senate received and agreed to the conference report (No. 94-1313) on S. 2981, authorizing FY 1977 appropriations for the Indian Claims Commission and extending its life to 9/30/78.

The Senate agreed to a motion to concur in the House amendments to S. 1506, to designate a segment of the Missouri River, Mont., as a component of the National Wild and Scenic Rivers System.

The House agreed to the Conference Report on H.R. 12838, Arts, Humanities, and Cultural Affairs Act of 1976, clearing it for Presidential action.

Rep. McDonald inserted in the Cong. Record a summary of the findings of the Senate Internal Subcom's. findings concerning the American Indian Movement. (copy attached)

Rep. Quie introduced H.R. 15728, to reorganize, simplify, deregulate and consolidate certain elementary and secondary education programs in order to provide improved State administration of the programs; to Education & Labor Com.

The House Interior Com. filed its report (No. 94-1704) on S. 2798, to eliminate a restriction on use of certain lands conveyed to the city of Yakutat, Alaska.

The Senate received the Conference Report (No. 94-1327) on H.R. 13350, to authorize appropriations for the Energy Research and Development Administration.

Sen. Packwood inserted in the Cong. Record the text and House Report on H.R. 8989, the Indian Tribal Government Tax Status Act, and stated that he expected the House to pass it this week.

The House received the Conference Report (No. 94-1720) on H.R. 13367, to extend and amend the State and Local Fiscal Assistance Act of 1972.

Sen. Metcalf inserted in the Cong. Record a Montana newspaper report on the success of the Blackfeet Indian Writing Co., an 80% tribally owned pencil manufacturing enterprise which was founded in 1971 and has annual sales of \$3.1 million.

Sen. Bayh inserted in the Cong. Record the four chapters from the International Women's Year Commission Report and his introductory statement included "The trials of women with special problems are exemplified by the daughter of the last chief of the Navajo Nation, Annie Wauneka, a member of the Navajo Tribal Council".

Sept. 28 contd.

The Senate Government Operations Com. filed its report (No. 94-1323) and the Senate passed with amendments and returned to House on H.R. 14451, to permit the donation of Federal surplus personal property to the States and local governments for public purposes.

The Senate Government Operations Com. filed its report (No. 94-1326) on, and the Senate passed an amended H.R. 13828, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies.

Bills enacted into law:

S. 327, increasing annual authorizations for the Land and Water Conservation fund, and establishing a National Historic Preservation fund. Signed 9/28/76 (P.L. 94-422)

S. 3283, authorizing the Secretary of the Interior to construct and maintain the Oroville-Tonasket unit extension, Chief Joseph Dam project, Washington. Signed 9/28/76 (P.L. 94-423)

H.R. 366, to provide benefits to survivors of certain public safety officers who die in the performance of duty. Signed 9/29/76 (P.L. 94-430)

Sept 29

By a 307 to 34 vote, the House passed H.R. 15, Public Disclosure of Lobbying Act of 1976 with a floor amendment excluding from the definition of a lobby organization "any Federal, State or local unit of government or Indian Tribe". However, the House failed to pass a similar Senate bill (S. 2477) which would have been amended to substitute the language of H.R. 15.

The House passed H.R. 15059, to amend the Emergency Livestock Credit Act of 1974.

The House agreed to the Conference Report on S. 2228, Public Works and Economic Development Act Amendments of 1976, clearing it for Presidential action.

Sen. Abourezk introduced S. 3850, to provide grants to certain Indian controlled postsecondary educational institutions and for other purposes.

The House received the Conference Report (No. 94-1724) on S. 507, to provide for the management, protection, and development of the natural resources lands (BLM Organic Act).

Sept 29 contd

The House passed S. 1437, after substituting the language of H.R. 15499, to distinguish Federal grant and cooperative relationships from Federal procurement relationships.

The House concurred in the Senate amendments to H.R. 14451, to amend the Federal Property and Administrative Services Act of 1949, to permit the donation of Federal surplus property to the States and local organizations for public purposes, clearing it for Presidential action.

The House agreed to the Conference Report on S. 2981, to authorize appropriations for the Indian Claims Commission for FY 1977, clearing it for Presidential action.

House consideration of H.R. 8989, to provide the same tax exemptions and general tax treatment to recognized Indian tribes as are applicable to other governmental units, was blocked by an objection to Rep. Ullman's unanimous consent request for its consideration.

The Senate Agriculture & Forestry Com. filed its report (No. 94-1337) on S. 3520, to extend the community fire protection program.

The Senate Interior Com. filed its report (No. 94-1356) on S.J.Res 155, establishing the Hawaiian Aboriginal Claims Settlement Study Commission.

The Senate Judiciary Com. filed its report (No. 94-1362) on S.J.Res. 209, authorizing the President to proclaim the week of October 10 through 16, 1976, as "Native American Awareness Week.

The Senate Interior Com. filed its report (No. 94-1375) on S. 2144, to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior.

Rep. Dingell (by request) introduced H.R. Res. 1116, relating to the regulation by the States of certain Indian hunting and fishing rights; to Interior Com.

The Senate Finance Com. filed its report (No. 94-1345) on H.R. 13500, establishing standards, based on lobbying expenditures, to determine withdrawal of tax exempt status of charitable organizations.

The Senate Interior Com. filed its report (No. 94-1353) on H.R. 15563, authorizing Federal agencies operating certain water projects to consider, recognize, and provide recreation uses, with an amendment.

Sept 29 contd

The House received the President's veto message on H.R. 14232, Labor & HEW FY 1977 Appropriations (H. Doc. No. 94-636).

The House agreed to the Conference Report on S. 2657, to amend and extend the Higher Education and Vocational Education Acts, clearing it for Presidential action.

Sept 30

The Senate passed S.J. Res. 209, authorizing the President to proclaim the week of October 10 through 16, 1976, as "Native American Awareness Week".

By a 312 to 93 vote, the House overrode the President's veto of H.R. 14232, FY 1977 Labor & HEW Appropriations.

The Senate agreed to the Conference Report on H.R. 11337, to provide for the taking of a mid-decade population census, clearing it for House action.

By a 67 to 15 vote, the Senate overrode the President's veto of H.R. 14232, FY 1977 Labor & HEW Appropriations.

The House passed an amended S. 3521, to expedite a decision on the delivery of Alaska natural gas to the US markets.

The House agreed to the Conference Report on H.R. 13350, authorizing appropriations for the Energy Research and Development Administration.

The House received the Conference Report (No. 94-1742) on S. 3219, to amend the Clean Air Act.

The House agreed to the Conference Report on H.R. 7108, to authorize appropriations for environmental research, development, and demonstration, clearing it for Presidential action.

Sen. Stevenson inserted the Committee on Committees recommendations for changes in the committee system.

The House agreed to the Conference Report on S. 507 (BLM Organic Act), to provide for the management, protection and development of the national resource lands, clearing it for Senate action.

The House agreed to the Conference Report on S. 3091, National Forest Management Act of 1976, clearing it for Presidential action.

Sept 30 contd

New Public Laws--

H.R. 8532, to improve and facilitate the expeditious and effective enforcement of the antitrust laws. Signed 9/30/76 (P.L. 94-436)

S. 522, authorizing funds to improve services and facilities for Federal Indian Health Programs. Signed 9/30/76 (P.L. 94-437)

H.J. Res. 1096, making appropriations for repair and replacement of Typhoon-damaged facilities on Guam, and for certain Indian judgments. Signed 9/30/76 (P.L. 94-438)

H.R. 14232, making appropriations for Departments of Labor and HEW for FY 1977. Signed 9/30/76 (P.L. 94-439)

The Senate agreed to the House amendment to Senate amendment to H.R. 13367, to extend and amend the State and Local Fiscal Assistance Act of 1972, clearing it for Presidential action.

Objection was heard to a unanimous consent request that the Senate consider H.R. 9719, to provide for payments in lieu of taxes for certain Federal lands.

The Senate by a 67 to 15 vote completed the congressional override and the President's veto of H.R. 14232, FY 1977 Appropriations for Labor and HEW thereby enacting the bill into law.

Oct 1

New Public Laws--

H.R. 14238, making appropriations for the Legislative Branch for FY 1977. Signed 10/1/76 (P.L. 94-440)

H.R. 589, to provide relief to the Santa Ynez River Water Conservation District, California, as a result of delivery of water to Santa Ynez Indian Reservation Lands. Signed 10/1/76 (P.L. 94-442)

H.R. 12987, authorizing funds through FY 1977 for public service jobs program under the CETA. Signed 10/1/76 (P.L. 94-444)

H.R. 15194, making appropriations through FY 1977 for public works employment programs. Signed 10/1/76 (P.L. 94-447)

H.R. 11722, to prohibit the practice of requiring political contribution in order to obtain or hold a job in programs where any Federal moneys are involved. Signed 10/2/76 (P.L. 94-453)



Oct 1 contd

The House agreed to S.J. Res. 209, authorizing the President to proclaim the week of October 10 - 16, 1976, as "Native American Awareness Week, clearing it for Presidential action.

The House passed S. 1659, to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in ICC docket No. 40-~~R~~, clearing it for Presidential action.

Rep. AuCoin inserted in the Cong. Record a Washington Post article dealing with Indian treaty rights and issues associated with those rights.

The Senate passed an amended S. 2144, to establish within the Department of the Interior an additional position of Assistant Secretary of the Interior for Indian Affairs. (Bill died due to lack of House action.)

The House passed S. 800, to provide for judicial review of certain administrative agency action, clearing it for Presidential action.

The Senate amended and passed H.R. 13500, to establish standards, based on lobbying expenditures, to determine point of withdrawal of tax exempt status of charitable organizations; the House agreed to the amendments, clearing H.R. 13500 for Presidential action.

The Senate passed H.R. 9719, to require the Secretary of the Interior to make payments to local governments based on the amount of certain public lands within their boundaries (Committee amendments withdrawn); clearing it for Presidential action.

The Senate agreed to the House amendments to S. 2081, to establish a mechanism for making longrange policy with respect to the Nation's lands, water, and related resources, clearing it for Presidential action.

The House passed S. 2278, The Civil Rights Attorney's Fees Awards Act of 1976, clearing it for Presidential action.

The House and Senate passed H.J. Res. 1119, to provide for the convening of the first session of the Ninety-fifth Congress, on January 4, 1977.

The House agreed to the Conference Report on H.R. 11337, to provide for a mid-decade census, clearing it for Presidential action.

The House concurred in the Senate amendments to the House amendments to S. 2548, to revise and extend the authorizations of appropriations in provisions of title XII of the Public Health Service Act relating to emergency medical services systems, clearing it for Presidential action.

Oct 1 contd

The House concurred in the Senate amendment to the House amendments to the Senate amendment to H.R. 13713, to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, clearing it for Presidential action.

The House concurred in Senate amendment to H.R. 13828, to amend title 44, U.S.C., to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, clearing it for Presidential action.

The House concurred in the Senate amendments to H.R. 13160, to designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units, clearing it for Presidential actions.

The Senate passed S. 1437, to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships.

The Senate concurred in the House amendments to S. 3521, to expedite the delivery of Alaska natural gas to US markets, clearing it for Presidential action.

The Senate passed S. 796, concerning agency appeals boards and subpoena power.

The House passed S. 2081, to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use.

The House passed S. 726, to direct the Secretary of the Interior to convey for fair market value, certain lands to Valley County, Idaho.

The House passed S. 2798, to eliminate a restriction on use of certain lands conveyed to the city of Yukutat, Alaska; and

S. 1365, to authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the US in certain lands, clearing both for Presidential action.

The Senate passed S. 3520, to extend the rural community fire protection program through FY 1980.

Sen's. Hathaway and Muskie introduced S. Con. Res. 212, relating to land claims of the Passamaquoddy Tribe of Indians.

Oct 1 contd

Rep's. Cohen and Emery introduced H.Con. Res. 782, to express the sense of the Congress that the Joint Tribal Council of the Passamaquoddy Tribe and the Penobscot Tribe and their representatives shall have a cause of action for monetary damages only for alleged violation of the 1790 Indian non-Intercourse Act and that no cause of action for the return of aboriginal lands in the State of Maine shall lie; to Interior Com.

Sen. Gary Hart introduced S. 3899, to establish a comprehensive program to provide financial and technical assistance to States, local governments and Indian tribes to manage impacts caused by energy development; to Government Operations Com.

Rep's. Nolan, Quie, and Fraser introduced H.R. 15837, to provide that certain land of the United States shall be held by the United States in trust or certain communities of the Mdewakanton Sioux in Minnesota; to Interior Com.

New Public Laws --

S. 3651, to amend the ANSCA to provide for the withdrawal of lands for the village of Klukwan, Alaska. Signed 10/4/76 (P.L. 94-456)

H.R. 12838, to amend and extend the National Foundation on the Arts and Humanities Act to provide for improvement of museum services, and to establish a challenge grant program. Signed 10/8/76 (P.L. 94-462)

S. 2981, to authorize FY 1977 appropriations for the Indian Claims Commission. Signed 10/8/76 (P.L. 94-465)

S. 2657, to extend and revise the Vocational Education Act of 1963, and to extend the Higher Education Act of 1965. Signed 10/8/76 (P.L. 94-482)

S. 2228, authorizing funds through FY 1979 under the Public Works and Economic Development Act. Signed 10/12/76 (P.L. 94-487)

H.R. 13367, to extend and amend the State and Local Fiscal Assistance Act of 1972 (General Revenue Sharing. Signed 10/13/76 (P.L. 94-488)



SELECTED PUBLIC LAWS ENACTED BY THE 94TH CONGRESS, 2ND SESSION

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<u>PUBLIC LAW</u>	<u>DATE APPROVED</u>	<u>TITLE OR SUBJECT</u>
94-235 H.R. 4979 90 Stat. 237	March 17, 1976 HRpt. No. 94-803 SRpt. No. 94-678	To establish the Chickasaw National Recreation Area in the State of Oklahoma, and for other purposes.
94-262 H.R. 1466 90 Stat. 327	April 11, 1976 HRpt. No. 94-477 SRpt. No. 94-729	To convey certain federally owned land to the Twentynine Palms Park and Recreation District.
94-265 H.R. 200 90 Stat. 331	April 13, 1976 HRpts. No. 94-445 and No. 94-948 SRpts. No. 94-416, 94-459, and No. 94-515, all accompanying S. 961, and No. 94-711	To provide for the conservation and management of the fisheries, and for other purposes.
94-266 H.J.Res. 890 90 Stat. 362	April 15, 1976	Making emergency supplemental appropriations for public employment programs, summer youth programs, and preventive health services for FY ending 6-30-76.
94-271 H.R. 1465 90 Stat. 373	April 21, 1976 HRpt. 94-476 SRpt. 94-738	To provide for the division of assets between the Twentynine Palms Band and Cabazon Band of Mission Indians, Cal.
94-273 S. 2445 90 Stat. 382	April 21, 1976 HRpt. No. 94-1000 accompanying H.R. 12605 SRpt. No. 94-469	To make permanent changes in laws necessary to comply with the change to the new FY Oct. 1 - Sept. 30.
94-274 S. 2444 90 Stat. 395	April 21, 1976 HRpt. No. 94-1001 accompanying H.R. 12606 SRpt. No. 94-468	To provide for the orderly transition to the new FY Oct. 1 - Sept. 30.
94-280 H.R. 8235 90 Stat. 373	May 5, 1976 HRpt. No. 94-476 SRpt. No. 94-738	To authorize appropriations for the construction of certain highways.

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 2nd SESSION

PUBLIC LAW	DATE APPROVED	TITLE OR SUBJECT
94-297 S. 2129 90 Stat. 586	May 29, 1976 HRpt. 94-1038 SRpt. 94-620	"Indian Crimes Act of 1976"
94-303 H.R. 13172 90 Stat. 660	June 1, 1976 HRpts. 94-1027 & 94-1133 SRpt. 94-802	Supplemental Appropriation FY 1976 thru 9-30-76
94-310 H.R. 11438 90 Stat. 687	May 13, 1976 SRpt. 94-830 HRpt. 94-814	Leave Court witnesses -- Federal Employees
94-369 S. 3201 90 Stat. 999	July 22, 1976 HRpt. 94-1077 CRpt. 94-1260 SRpt. 94-710 CRpt. 94-939	Public Works Employment Act of 1976
94-371 S. 3184 90 Stat. 1035	July 26, 1976 HRpt. 94-1092 CRpt. 94-1285 SRpt. 94-705 (pts. 1&2)	Comprehensive Alcohol Abuse & Alcholoism Prevention, Treatment, & Rehabilita- tion Act Amendments of 1976
94-373 H.R. 14231 90 Stat. 1043	July 31, 1976 HRpt. 94-1218 CRpt. 94-1330 SRpt. 94-991	FY 1977 Interior & related agencies appropriation
94-375 S. 3295 90 Stat. 1067	August 3, 1976 HRpt. 94-545 HRpt. 94-1091 (pts. 1&2) HRpt. 94-1291& 1304 SRpt. 94-520 SRpt. 94-749	Housing Authorization Act of 1976

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 2nd SESSION

PUBLIC LAW	DATE APPROVED	TITLE OR SUBJECT
94-401 H.R. 12455 90 Stat. 1215	September 7, 1976 HRpt. 94-903 CRpt. 93-1213 SRpt. 94-857	Authorizing funds to extend child care and social services programs.
94-409 S. 5 90 Stat. 1241	September 13, 1976 HRpt. 94-880, Pts 1 2 --CRpt. 94-1441 SRpt. 94-354&94-381 CRpt. 94-1178	Government in the Sunshine
94-416 S. 217 90 Stat. 1275	September 17, 1976 HRpt. 94-800 CRpt. 94-1439 SRpt. 94-148	Repeal the law allowing condemnation of Pueblo lands(Mexico) under State law.
94-437 S. 522	September 30, 1976	Authorizing funds to improve services and facilities for Federal Indian Health Programs [Indian Health Care Improvement Act]
94-438 H.J.Res. 1096	September 30, 1976	Making appropriations for certain Indian judgments.
94-439 H.R. 14232	September 30, 1976	Making appropriations for Dept. of Labor & HEW for FY 77.
9-442 H.R. 589	October 1, 1976	Relief to the Santa Ynez Water Conservation District, Calif., as a result of delivery of water to Santa Ynez Indian Reservation lands.
94-456 S. 3651	October 4, 1976	Amend the ANCSA to provide for the withdrawal of lands for the village of Klukwan.
94-462 H.R. 12838	October 8, 1976	Amend & extend the National Foundation on the Arts and Humanities Act (museum services).

SELECTED PUBLIC LAWS ENACTED BY THE 94th CONGRESS, 2nd SESSION

PUBLIC LAW	DATE APPROVED	TITLE OR SUBJECT
94-465 S. 2981	October 8, 1976	To authorize FY 1977 appropriations for the ICC.
94-482 S. 2657	October 10, 1976	Extend & revise the Vocational Education Act of 1963, and the Higher Education Act of 1965.
94-487 S. 2228	October 12, 1976	Authorize fund thru FY 1979 under the Public Works & Economic Development Act.
94-488 H.R. 13367	October 13, 1976	General Revenue Sharing Extend & amend State and local fiscal assistance.

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Private Laws -- 94-37 -- For the relief of Oscar Barnett  
Signed 4/13/76 -- H.R. 4941

94-56 -- For the relief of James J. Caldwell  
Signed 8/6/76 -- H.R. 2943



10/15/76

BILLS BEFORE THE PRESIDENT BUT NOT YET SIGNED INTO LAW

- S. 22 For the general revision of the Copyright Law, title 17 of the U.S.C.
- S. 1659 Provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians.
- S. 2212 Crime Control Act -- Permits the LEAA to increase the the Federal share of grants to Indian tribes or other aboriginal groups where it is determined that sufficient funds are not available to meet the local share of costs.
- S. 2278 The Civil Rights Attorney's Fees Awards Act of 1976.
- H. 9719 To require the Secretary of Interior to make payments to local governments based on the amount of certain public lands within their boundaries.
- H.R. 11337 To provide for a mid-decade census.
- H.R. 14451 Amend the Federal Property & Administrative Services Act of 1949, to permit the donation of Federal surplus property to the States and local organizations for public purposes.

Indian Movement—AIM. Mr. Durham, a former police officer and news photographer, infiltrated the American Indian Movement under the instructions of the FBI during the 1973 armed occupation of Wounded Knee, S. Dak. Douglas Durham became a close associate of AIM leader Dennis Banks and served as an AIM security coordinator.

Mr. Durham's role as a highly placed undercover operative in AIM was inadvertently revealed in FBI documents which were made available to the National Lawyers Guild attorneys by Federal court order during the trial of AIM leaders for their role in Wounded Knee. Mr. Durham's testimony has revealed shockingly that in October 1973, after the takeover of Wounded Knee, Federal Judge Fred Nichol "had driven Dennis Banks and his attorney to his residence, where Judge Nichol and Mrs. Nichol entertained the guests with coffee and cookies, and Mrs. Nichol was made an honorary member of the American Indian Movement."

Coincidentally, at the same time as release of the Senate testimony and report, we have received a fundraising appeal from the National Council of Churches for legal fees for an AIM leader.

Leonard Crow Dog, characterized by the NCC fundraisers as the "traditional medicine man of the Sioux Indians at Rosebud, S. Dak., and spiritual leader of the Native American Movement," was sentenced to 11 years imprisonment as a result of his role in the AIM armed takeover of Wounded Knee. While awaiting a hearing on his appeal, Crow Dog was convicted of abetting an assault and two concurrent 5-year sentences were added to his prison term. In January 1976, Crow Dog, free on \$25,000 bail, was convicted of another assault charge for which he was placed on probation for 5 years.

The National Council of Churches has a different view of the crimes for which Crow Dog was convicted. According to the NCC:

His "crimes" were heating his people, protecting his family and working to build his nation. For this . . . he has received sentences totaling 26 years in prison.

The NCC neglects to mention that Crow Dog's sentences are concurrent, not consecutive, and that his maximum term is 11 years. The NCC also fails to mention that the average Federal prisoner is considered for parole after serving one-third of his sentence—a little more than 3½ years in Crow Dog's case.

The National Council of Churches mailing, signed by Dean M. Kelley, "Executive for Religious and Civil Liberty" of the NCC's Division of Church and Society, reads in part:

. . . as we became aware of Crow Dog's case we could not sit back while an individual, and a religious leader at that, is as much a victim of outrageous injustice as Leonard Crow Dog.

. . . Since 1973, the U.S. Government has persecuted and hounded Crow Dog through its judicial system . . .

Dean Kelley's letter notes in vague terms the charges brought against Leonard Crow Dog and says that while the AIM leader is "free temporarily," expert

legal counsel is required to reverse his convictions.

Only with your help can we free this Indian religious leader whose only "crime" is his pride in his heritage.

Says the letter:

While the National Council of Churches is a tax-exempt organization, it is understood that contributions to the Leonard Crow Dog appeal are not tax deductible.

The National Council of Churches Crow Dog appeal letter does not quote the brochure of the Native American Speakers Bureau, P.O. Box 3677, St. Paul, Minn. 55101, which quotes the following statement of the "AIM spiritual leader:"

We are not going to massacre the white man, we are going to massacre his attitude and his government.

Perhaps when individuals and church groups consider the NCC's Crow Dog appeal fund, they will also give consideration to the Senate report and the sworn testimony and documentation provided by Douglas Durham. The report made the following summary of findings of fact about the American Indian movement:

(1) The True Dimensions of AIM: The American Indian Movement does not speak for the American Indians. It is a minority movement which, at the most, numbers several thousand followers. It is noteworthy that its most spectacular and most publicized activities have never involved more than several hundred people.

(2) AIM as a Revolutionary Organization: It is a frankly revolutionary organization which is committed to violence, calls for the arming of American Indians, has cached explosives and illegally purchased arms, plans kidnappings, and whose opponents have been eliminated in the manner of the Mafia. Some of AIM's leaders and associates have visited Castro[s] Cuba and/or openly consider themselves Marxist-Leninists.

(3) Foreign Ties: It has many foreign ties, direct and indirect—with Castro[s] Cuba, with [Red] China, with the IRA [Irish Republican Army], with the Palestine Liberation Organization, and with support organizations in various European countries.

(4) Domestic Extremist Ties: In the United States, it has maintained contact with and has received propaganda and other support from a large number of left extremist organizations, including the Weather Underground, the Communist Party, the Trotskyists [Socialist Workers Party, and others], the Symbionese Liberation Army, the Black Panther Party, Youth Against War and Fascism, the Indo-China Solidarity Committee, the Prisoners Solidarity Committee, the Prisoners [a YAWF sub-group], etc.

(5) AIM and Media: AIM's commitment to spectacular actions has resulted in massive media coverage. This coverage, while not always uncritical, has generally been sympathetic—perhaps because of the widespread tendency to convert sympathy for the plight of Indian people into sympathy for AIM, without asking certain essential questions. The sheer mass of the media coverage, moreover, has served to foster a widespread impression—in government circles as well as among the general public—that AIM speaks for the great mass of the Indian people. . . .

(6) Support from Federal, Church and Other Sources: Taking advantage of the massive public relations build-up they have received from the media, the American Indian Movement has been able to obtain many hundreds of thousands of dollars worth of

**AMERICAN INDIAN MOVEMENT'S  
SUBVERSIVE AND TERRORISTS  
ACTIVITIES EXPOSED IN SENATE  
TESTIMONY**

**HON. LARRY McDONALD**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1976

Mr. McDONALD. Mr. Speaker, the Senate Internal Security Subcommittee has released testimony by Douglas Durham, together with supporting documents and a staff report summarizing the subcommittee's findings, on the American

support from various offices of the Federal government and from a variety of religious organizations, Catholic and Protestant. Threats and the physical occupation of buildings have also been used as instruments of assuasion in promoting Federal and religious funding. AIM has also received substantial sums of money from business, from labor groups, and from private individuals.

(7) **Financial Abuses:** The bulk of the money given to AIM by the United States government and by the churches has been used to radicalize the Indians, to stage confrontations like the occupation of Wounded Knee and the occupation of the Bureau of Indian Affairs in Washington, D.C., and to take care of the personal financial needs of all the AIM leaders. Contrary to the representations of AIM in soliciting these funds, they have not been used, except to a very minor extent, to improve the lot of the American Indian.

(8) **The Undercutting of Legally Constituted Indian Authority:** The supine attitude of government officials in dealing with manifestations like the occupation of the bureau of Indian Affairs, the many hundreds of thousands of dollars they have lavished on AIM for social programs that were never implemented, and the deferential—indeed, almost obsequious—manner in which they have conducted their negotiations with representatives of AIM, have not only strengthened AIM enormously, but have also served to undercut the prestige and authority of the tribal chairmen and the National Tribal Chairmen's Association. This was the subject of a bitter complaint to Secretary of the Interior, Rogers Morton, from the National Tribal Chairmen's Association on November 12, 1973.

(9) **The Case of Judge Nichol:** Important testimony was given concerning the prejudicial attitude of Federal Judge Fred Nichol, who on September 19, 1974, dismissed the charges against American Indian Movement leaders Dennis Banks and Russell Means. In March 1975, the U.S. Attorney's office in Sioux Falls, South Dakota, had filed a strongly worded motion of prejudice against Judge Nichol, asking that he disqualify himself from the remaining Wounded Knee leadership trials. In the supporting affidavit, the U.S. attorney claimed that Judge Nichol often expressed respect for the people who were involved in the Wounded Knee takeover, and that during the trial he had attended a luncheon addressed by defense counsel William Kunstler and had led a standing ovation for Kunstler at the conclusion of his speech. The witness testified that in October 1973, Judge Nichol had driven Dennis Banks and his attorney to his residence, where Judge Nichol and Mrs. Nichol entertained the guests with coffee and cookies, and Mrs. Nichol was made an honorary member of the American Indian Movement.

The Senate summary includes a section on AIM's international contacts with terrorists, revolutionary groups, and the Communist regimes of Cuba, and Red China:

• • • He said that AIM had funding through groups in England, France, Germany, Ireland, and South America, and that AIM had held an international treaty convention in Aberdeen, South Dakota, in the summer of 1974, which was attended by representatives from many foreign countries. "The idea," said Durham, "was to get all the treaty issues taken out of the hands of the United States and put here before the World Court or the United Nations."

He said that he knew as a fact that representatives of the Irish Republican Army committee had met with AIM during the trial in St. Paul and that at a later date, Sean O'Connell, one of the IRA leaders, had invited the AIM leaders to Dublin.

He also reported that Dennis Banks, after his return from a meeting sponsored by the World Council of Churches in Vienna in the fall of 1974, had reported to him that he had met with officials of the Palestine Liberation Organization and they had offered their support to him. Durham named a Mr. George Roberts, owner of the Inca Manufacturing Company in Santa Monica, California, as one of the principal vehicles for AIM's international contacts. He said that he had first met with Roberts after returning to the United States from his meeting with Dennis Banks in Yellowknife, Canadian Northwest Territories, in September 1973. Roberts, a non-Indian, indicated to Durham that he had traveled to Wounded Knee during the occupation and had become friendly with Dennis Banks there, and that he had offered to utilize his contacts with embassies around the world to build the American Indian Movement's credibility internationally.

Durham further testified that Roberts had in his presence made a phone call to a Dr. Faustino Perez in Mexico City "to arrange for Dennis Banks to go to Cuba in hiding." Durham also testified that he knew of a meeting in Ottawa, Canada, with representatives of Red China and that—

It was his understanding that George Roberts and John Trudell had attended it; and he said that he had heard the conversations had to do with some measure of technical and financial support from the Peoples Republic of China for AIM.

Among the supporting documents reproduced in the appendix to the hearing is a significant memorandum from AIM leader Jimmy Durham and his wife, Ann Gael Durham, who coordinate AIM activity with the various Cuban-oriented revolutionary groups in this country, particularly with the Weather Underground's Prairie Fire Organizing Committee and the Castroite Communist Puerto Rican Socialist Party. Jimmy and Ann Gael Durham operate AIM's International Indian Treaty Council offices at the United Nations. Ann Gael is a member of the National Interim Coordinating Committee of the Native American Solidarity Committee—NASC—a cooperative support effort of the Prairie Fire Organizing Committee and other Castroite groups.

Jimmy Durham is one of AIM's principal contacts with the Cuban Communist agents at the United Nations. His memorandum contains the following comments on the ideological nature of the American Indian Movement:

So we have always defined our struggle not only as a struggle for land but also as a struggle to retain our cultural values. Those values are communistic values. Our societies were and are communistic societies. The U.S. government has always understood that very well. • • •

Marx used our societies as examples of what he meant by communism on two different occasions in his writings. • • • We do not need Marx's words to teach us • • •

We do need Marxism-Leninism as a method and system for knowing the human world as it is today and for knowing how to most effectively fight our oppressor. We do need to join forces with world Marxism-Leninism, because that is the liberation movement for the world.

The AIM leader moved on to explain:

We define a "traditional" Indian as one who maintains the whole body of his people's vision (political system), and that includes total resistance to colonization. • • •

So our progressives are what look like to you our "conservatives." By that I mean that our "traditionals" are the people who are struggling to conserve and maintain our cultural ways and values as well as being leaders in our struggle against colonialism. The B.I.A. • • • in fact do[es] call t[hem] "conservatives," but being our real leaders they are in actual fact our "progressives."

Since the 1840s, and especially recently, it is obviously a very "Indian" thing to use the best and most modern rifles available to us. One of our valued traditions is to use the best possible weapons to fight our oppressor.

Jimmy Durham's memorandum has particularly important comments and explanations of AIM "spiritualism" and the importance to its movement of militants like Leonard Crow Dog. According to AIM's U.N. representative:

Our "spiritualism" is a controversial issue right now. Marx said that religion is the opium of the people. We agree that for Europe and Asia religion is a drug that exploits people for the State. That is why we have fought Christianity so totally. But we say our religion is a force of liberation.

In reality, our "spiritual" values fit very well into Marxist-Leninist thought, and can enhance and further it, just as did the P.A.I.G.C. [the Marxist-Leninist terrorist movement which now rules the former Portuguese colony of Guinea-Bissau], Nkrumah, and the Cuban revolutionaries. What is called our spiritualism and our religion can serve as a liberation force not only for us but for other people in the world.

The concepts I am describing here are difficult to communicate because of the English language itself • • • It may seem contradictory to some people that a writer who is defending Indian traditionalism is also denying the "spiritualism" of that traditionalism. Someone might object, "What about the ghost dance?" • • • Did people really believe Wovoka, the founder of the ghost dance, when he said that the dance would roll back the invaders and that the buffalo would return? Personally, I take his words as prophetic metaphor, or parable. I do know, however, that twenty years earlier many of those same people looked upon Tatanka Iotanka [Sitting Bull] as their spiritual leader. In the Battle of the Little Bighorn, Tatanka Iotanka, as a spiritual leader, went to a special place and did ceremonies for the good of his people. But the people themselves did not go sit under a tree and pray with Tatanka Iotanka; they went down and wiped out Custer's army. Nor did Tatanka Iotanka at any time say to them, "Let's all go away and pray." He admonished everyone to organize and fight as hard as they could. That is one of our "spiritual traditions."

VETO OF ACT PROVIDING SPECIAL RETIREMENT  
BENEFITS TO CERTAIN NON-INDIAN EMPLOYEES  
OF THE BUREAU OF INDIAN AFFAIRS AND THE  
INDIAN HEALTH SERVICE

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

VETOING

H.R. 5465, AN ACT TO PROVIDE ADDITIONAL RETIREMENT  
BENEFITS FOR CERTAIN EMPLOYEES OF THE BUREAU OF  
INDIAN AFFAIRS AND THE INDIAN HEALTH SERVICE WHO  
ARE NOT ENTITLED TO INDIAN PREFERENCE, TO PRO-  
VIDE GREATER OPPORTUNITY FOR ADVANCEMENT AND  
EMPLOYMENT OF INDIANS, AND FOR OTHER PURPOSES



SEPTEMBER 27, 1976.—Message and accompanying act referred to the  
Committee on Post Office and Civil Service and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

57-011 O

WASHINGTON : 1976



*To the House of Representatives:*

I am returning, without my approval, H.R. 5465, a bill which would provide special retirement benefits to certain non-Indian employees of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) who are adversely affected by Indian preference requirements.

I strongly support the objective of having Indians administer the Federal programs directly affecting them. I am familiar with and understand the concern of non-Indian employees of these agencies about their long-term career prospects because of Indian preference. But H.R. 5465 is the wrong way to deal with this problem.

This bill is designed to increase employment opportunities for Indians by providing special compensation to non-Indian employees in BIA and IHS who retire early. It seeks to accomplish this purpose by authorizing payment of extraordinary retirement benefits under certain conditions to non-Indian employees of these agencies who retire before 1986—benefits more liberal than those available to any other group of Federal employees under the civil service retirement system. I believe that this approach will result in inequities and added costs that far exceed the problem it is attempting to solve—a problem which is already being addressed through administrative actions by the agencies involved.

H.R. 5465 would provide windfall retirement benefits to a relatively small number of the non-Indian employees of these agencies. The Indian employees and other non-Indian employees in these same agencies would not receive these benefits. The eligible employees are not in danger of losing their jobs. Because they may face a limited outlook for promotion, the bill would pay these employees costly annuities even though they had completed substantially less than a full career. Payments could be made at age 50 after only 20 years of Federal service, of which as little as 11 years need be Indian-agency service. Their annuities would be equivalent to the benefits it would take the average Federal employee until age 60 and 27 years of service to earn.

This would seriously distort and misuse the retirement system to solve a problem of personnel management for which there are far more appropriate administrative solutions. The Departments of the Interior and Health, Education, and Welfare have established special placement programs to help non-Indian employees who desire other jobs. I am asking the Chairman of the Civil Service Commission to make certain that those placement efforts are rigorously pursued with all agencies of the Federal Government.

Further, these Departments assure me that many non-Indian employees continue to have ample opportunity for full careers with Indian agencies if they so desire. Accordingly, H.R. 5465 represents an excessive, although well-motivated, reaction to the situation. Indian preference does pose a problem in these agencies, but it can and should be redressed without resort to costly retirement benefits.

I am not prepared, therefore, to accept the discriminatory and costly approach of H.R. 5465.

GERALD R. FORD.

The WHITE HOUSE, September 24, 1976.

H. R. 5465

## Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### An Act

To provide additional retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service who are not entitled to Indian preference, to provide greater opportunity for advancement and employment of Indians, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8336 of title 5, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and inserting immediately after subsection (f) the following new subsection:

“(g) An employee is entitled to an annuity if he—

“(1) is separated from the service before December 31, 1985, after completing 25 years of service or after becoming 50 years of age and completing 20 years of service,

“(2) was employed in the Bureau of Indian Affairs or the Indian Health Service continuously from June 17, 1974, to the date of his separation,

“(3) is not entitled to an annuity under subsection (a), (b), (c), or (e) of this section or under section 8337 of this title,

“(4) is not entitled to a preference under section 12 of the Act of June 18, 1934 (48 Stat. 986) or any other provision of law granting a preference to Indians in promotions or other personnel actions, and

“(5) demonstrates to the satisfaction of the Commission that he has been passed over on at least two occasions for promotion, transfer, or reassignment to a position representing career advancement because of section 12 of the Act of June 18, 1934 (48 Stat. 986) or any other provision of law granting a preference to Indians in promotions or other personnel actions.”.

SEC. 2. (a) Section 8339(d) of title 5, United States Code, is amended by striking out "8336(c)" and inserting in lieu thereof "8336(c) or (g)".

(b) Section 8339(h) of title 5, United States Code, is amended by striking out "section 8336(g)" and inserting in lieu thereof "8336(h)".

SEC. 3. The amendments made by this Act shall take effect on October 1, 1976, or on the date of the enactment of this Act, whichever date is later, and shall only apply with respect to employees separated from the service after June 17, 1974.

CARL ALBERT,  
*Speaker of the House of Representatives.*

PATRICK J. LEAHY,  
*Acting President of the Senate Pro Tempore.*

I certify that this act originated in the House of Representatives.

EDMUND L. HENSWAW, Jr.,  
*Clerk.*  
By W. RAYMOND COLLEY

