

# 95th Congress Wrap-up

by Jay Edwards

## What Passed

P.L. 95-68, THE INDIAN FINANCING ACT AMENDMENTS OF 1977 (H.R. 4992), extended the original Act for two years and increased its authorization from \$10 million to \$14 million. The Act consolidated four BIA low cost revolving loan programs, provides loan guarantees, and makes small "seed money" grants available for starting Indian businesses.

P.L. 95-74, THE FISCAL YEAR 1978 INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT (H.R. 7636), provided \$872.6 million for the BIA, \$56.6 million for Indian education in HEW, and \$428.8 million for the Indian Health Service. Under the BIA natural resources development budget, \$5 million was provided for the continuation of the ten year \$50 million timber stand improvement program started in FY 1977. Add-ons of direct consequence to the Confederated Tribes were \$6.6 million for 262 new personnel in the BIA's forestry programs and \$1.2 million under the U.S. Fish and Wildlife Service to finish the Warm Springs Fish Hatchery. Additionally, Senate report language criticized the BIA's forestry practices and urged their correction.

P.L. 95-113, THE INDIAN FOOD AMENDMENTS OF 1977 (H.R. 5466), are part of the Large Agriculture Act of 1977. The amendments provide the potential for Tribal administration of food stamp and commodity distribution programs on the reservation. Tribal take over of the programs depends on the Tribe's

administrative capability and, for food stamp programs, on either the state's failure to run the program successfully itself or the state's voluntary determination to turn the program over to the Tribes. In any event, the Secretary of Agriculture may pay any amount — up to 100 percent — he deems necessary for the programs' effective administration.

P.L. 95-128, THE HOUSING AND COMMUNITY DEVELOPMENT ACT AMENDMENTS OF 1977 (H.R. 6655), extended the original law for three years to provide community development block grants (CDBGs) and federally assisted housing to rural, low, and middle income families. The amendments changed the source of CDBG funding for Indian programs to come solely from the HUD Secretary's discretionary fund, eliminating the troublesome division of Tribal grant applications between counties, states and regions. It also eliminates friction between Tribes and other rural governments competing for funds out of the same pot. Additionally, the law created a special assistant to the Secretary of HUD to coordinate and monitor the Indian and Alaska Native programs carried on by that Department.

P.L. 95-341, AMERICAN INDIAN RELIGIOUS FREEDOM (S. J. Res. 102) declares that the U.S. Government shall protect and preserve the right of American Indians to practice their traditional religions, including their access to religious sites, and the use and possession of sacred objects, and the freedom to engage in traditional ceremonies. It also requires that all agencies of the U.S. Government review their policies and proce-

dures in consultation with traditional Indian religious leaders to determine what changes need to be made to assure the preservation and protection of Indian religious freedom. A report on those findings is to be submitted to Congress before mid-August, 1979.

P.L. 95-465, THE FISCAL YEAR 1979 INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT (H.R. 7636), allocates \$1.034 billion for the BIA for FY 79. Budget items of note include the retention of BIA-requested \$1.2 million increase for forestry and \$600,000 for rights protection of the Columbia River Indian fisheries. \$560.8 million was provided for the Indian Health Service and HEW Indian education programs received \$71.7 million.

P.L. 95-471, THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978 (H.R. 9158), authorizes general operating and maintenance grants for Tribal community colleges. The grants are to provide \$4,000 a year for each full time equivalent student enrolled in a qualifying school. No more than 15 grants are to be issued the first year.

P.L. 95-478, THE OLDER AMERICANS ACT AMENDMENTS OF 1978 (H.R. 12255), enables Indian Tribes to set up their own organizations to provide social and nutritional care for their elderly. Federal grants are to cover 100 percent of the costs, and a section provides for the Tribal organization's acquisition and conversion of unused BIA schools to senior centers.

P.L. 95-524, THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT AMENDMENTS OF 1978 (S. 2570), alter and extend the CETA jobs programs through 1982. The new law increases the Indian set-aside formula for general CETA functions from 4 percent to 4.5 percent and provides a new 2 percent set-aside for Indians in Title II public service employment. Additionally, it permits the Secretary of Labor to waive the time limit for a person working in a public service employment job in a program operated by an Indian Tribe. Tribal CETA operations may also compete in a 2 percent set-aside fund under the new Title VII private sector jobs program. A 2 percent set-aside for Indian youth programs was retained, as was the national administration of Indian CETA programs.

P.L. 95-561, THE INDIAN BASIC EDUCATION ACT (Title XI of H.R. 15, The Elementary and Secondary Education Act

MANY INDIAN-RELATED BILLS WERE BEFORE CONGRESS IN 1978. THOSE BELOW WERE PASSED. CHECK THE NEXT SPILYAY TYMOO FOR THOSE THAT DID NOT PASS.

Amendments of 1978), authorizes increased impact aid payments to public school districts with reservation Indian students. The increase, which is 125 percent of the present maximum formula, amounts to an additional \$70 million. Receipt of the impact funding is conditional upon the parents of the Indian students having a greater voice in the educational programs offered in the schools. The new law centralizes the BIA's administration of education programs, diminishing the role of the Area Offices, and requires establishing education program and facilities standards.

P.L. 95-608, THE INDIAN CHILD WELFARE ACT OF 1978 (S. 1214), clarifies and enhances the powers of tribal courts over Indian child foster and adoptive placement proceedings. It also establishes standards for place-

ment and safeguards the broadened rights of an Indian child's parents and Tribe to be notified of and participate in placement proceedings. Grants are authorized for Indian family development programs.

S. RES. 405, TO EXTEND THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS FOR TWO MORE YEARS, passed the Senate on October 14. Because the Committee's existence is purely a Senate matter, the passage by that Chamber was sufficient to put the extension into effect. Earlier in the month, extension of the Select Committee was added as an amendment to the Export-Import Bank Act Amendments, but that bill subsequently died in conference, necessitating the new passage of the Select Committee's extension.

## Indian News Briefs

by Vince Lovett

**INDIANS SUE USDA BECAUSE OF DELAYS IN FOOD PROGRAMS:** Indian tribes and organizations in six states filed suit against the Department of Agriculture November 17, charging that it has failed to implement Federal food programs for reservations. The class action on behalf of all impoverished Indians seeks a court order to force USDA action by January 1 on special provisions for Indians written into the Food Stamp Act of 1977.

Agriculture officials said they have been delayed in preparing the regulations to implement the Indian provisions of the Act because of overall revisions in the Act, shortage of staff and the special efforts to involve tribal leaders in the process, including an all-day meeting in September. Roger Schwartz, a member of the public interest law firm representing the Indian groups, said, "We have monitored USDA's rule-making process for over a year, and by this time it's clear they have not done their best to implement these critical improvements for Indian people."

Agriculture Assistant Secretary Carol Foreman said the proposed changes will be published within several weeks, noting they had been held up largely to respond to requests for changes made by the groups that filed suit. "It is somewhat strange to meet for a day and a half with some people and carefully consider their comments, then be sued by these same persons for taking the time to incorporate changes based on some of their comments," she said.

**INDIAN LEADERS WRITE ATTORNEY GENERAL ABOUT HIS ANTI-INDIAN VIEWS:**

In a 20-page letter signed by John Echohawk of the Native American Rights Fund and Sam Deloria of the American Indian Law Center, Indian tribal leaders expressed "alarm and fear" arising from public statements made by Attorney General Griffin Bell about the Justice Department's role in protecting Indian rights. Charging that Bell's statements have been contrary to the principles that have governed relations between Indian tribes and the United States for 200 years, the letter says: "It is neither accurate nor fair to trace what you characterize as 'the peculiar state of Indian law' in your House Judiciary Committee testimony to loose terminology by the Supreme Court. The alleged conflict problem that you have raised goes to the essence of the relationship between Indian tribes and the United States. If the United States had a disabling conflict, it should never have entered into treaties with the Indian tribes in which the tribes' ownership and possession of their reserved lands and rights were secured and protected in return for the cession of vast amounts of land. The United States should not have made promises it could not keep. If your views are correct, the United States should never have sued to protect Indian rights. We believe that the United States government was representing the people of the United States when it negotiated and ratified those treaties and it has done so ever since when it has sought to protect and enforce their terms and to fulfill other laws and policies relating to Indians."

## Spilyay Speaks

### TOE NESS

THERE WAS THIS TEACHER who was teaching school in the back country hills of the southern mountains. One day she asked one of the boys who lived there, "From the SKUNK we get FUR don't we Frank?" His reply was, "That sho is right Maam, as FER as Possible." YIKES

SS SS SS

THERE WAS THIS CATHOLIC PRIEST who was asked to make a call at the hospital. The Priest was very pleased for the invitation to visit the lady in the hospital, on his way into the hospital he meets the lady's daughter. She said, "I'm glad you could come, my mom is in room 46, fourth floor." The Priest said, "What happened, is your minister away?" The girl said, "No, he is at home, he's got the sickness might be contagious." YIKES

SS SS SS

A chief that had two dozen wives that lived five miles away. Every day the Chief would get the best warrior to go and get one of his wives and bring her to his lodge. The Chief lived to be about 90 years old but his best brave died at the age of 45. The moral of the story is, "It's not the women that kill you but the running after them that does." YIKES

SS SS SS

THERE WAS THIS GUY WHO went to church quite often, and one day this guy dozed off to sleep in the middle of the sermon. The preacher stopped and asks a boy sitting next to him and said, "Hey son, would you wake the guy next to you?" "Heck no," said the boy, "You wake him yourself, you're the one who put him to sleep." YIKES

SS SS SS

AFTER A HARD DAYS WORK I was real hungry and had the taste for bacon and eggs, so I go into this super market and buy these two huge eggs, rush home put the fry pan on the stove, take one of the eggs and cracked the shell and these "Pantie Hose" fall out. YIKES

SS SS SS

WOULD YOU BELIEVE THAT WHEN I first went out into the world I didn't have a thing to my name. I used to sleep on the floor sit on boxes and stuff like that. I had nothing in my apartment. I met this girl one day and she begged to see where I lived, so I finally gave in and took her to my apartment. When I opened the door the only thing I could think of was, "Oh No! I've been robbed." YIKES

SS SS SS

THERE WAS THIS GUY who asked his friend, "How long have you had your mustache?" His friend answered, "Since I was two years old." "How could you have had a mustache since you were two years old?" "That's easy, I didn't know how to shave at two years old." YIKES

SS SS SS

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