

# 95th Congress Wrap-up

## What Didn't Pass

by Jay Edwards

S. 666, The BIA Employee Preference Act, sought to permit the early retirement of BIA and IHS officials whose career advancement has been adversely affected by the preferential hiring of Indians in those agencies. After having passed the Senate, the bill failed in the House when it could not achieve the two-thirds majority needed for passage under suspension of the rules. The votes in favor of S. 666 did not even gain a simple majority, so the measure was considered dead. In the last days of the 95th Congress, however, the bill was granted a rule permitting its reconsideration, this time with only a simple majority needed for passage. But, the bill died when the press of other legislation prevented it from reaching the House floor. There is a good likelihood the bill will be reintroduced in the 96th Congress.

S. 2502, H.R. 11489, The Tribal-State Compact Act, sought to help settle the jurisdictional controversies surrounding the relationships between states and Tribes. Settlements under the bill were to resolve questions relating to the enforcement or application of civil, criminal, and regulatory laws within state and Tribal jurisdictions, and the division of governmental responsibility over various subject matters and geographical areas. The legislation passed the Senate and was the subject of hearings in the House, but was never reported in that Chamber. Reintroduction is expected next Congress.

S. 2712, The Indian Needs Assessment Act, would have required that all Federal agencies with Indian programs report annually to Congress evaluating

their programs' effectiveness and funding adequacy. The bill also required an assessment of Indian needs to be made and reported to Congress every five years and would have established a Federal Interagency Council on Indian Affairs to coordinate Federal Indian programs, policy, and budget planning. The Senate Select Committee on Indian Affairs held hearings on the measure, but it was not reported out of committee. Reintroduction is expected next Congress.

S. 2460, The Indian Self-Determination and Education Act Amendments, would have added a new title (Title III) to P.L. 93-638 permitting Tribes to be awarded single grants consolidating some or all of the BIA and IHS services currently separately contractable under the Self Determination Act. The bill was reported out of the Select Committee on Indian Affairs and passed by the Senate, but received no action in the House. Reintroduction is expected next Congress.

H.R. 4089, The Indian Tax Status Act, died when an objection by Cong. Tom Foley of Washington prevented the bill from being brought to a House vote. As reported, the bill sought to give Indian Tribal governments generally the same tax benefits currently accorded state and local governments. The most important provision would have enabled Tribal governments to issue tax-exempt development bonds. Congressman Al Ullman has sponsored the bill in the last several Congresses, and is expected to do so again next Congress.

H.R. 9950, The Omnibus Indian Jurisdiction Act of 1977, in

troduced by retiring Cong. Lloyd Meeds of Washington, sought to sharply curtail the jurisdictional powers of Indian Tribes. The bill would have generally limited Tribal authority to apply only to Tribal members on the reservation. Power to determine civil legal matters would have been turned over to the states, and a Tribal government's immunity from being sued would have been eliminated. After introduction, H.R. 9950 received no consideration. Action next Congress is difficult to project, for, although Meeds is retiring, a similar or identical measure could be introduced by another "backlash" Member of Congress.

H.R. 9951, The Quantification of Federal Reserved Water Rights for Indian Reservations Act of 1977, introduced by retiring Cong. Lloyd Meeds of Washington, would have limited the amount of water a Tribe could claim to the greatest amount of water that Tribe had used in any one year of the five years preceding January 1, 1977. The bill received no action following introduction. Introduction of an identical or similar measure next Congress is uncertain.

H.R. 13329, The Native American Equal Opportunities Act, would have had the President terminate all the U.S. Government's treaties with Indian Tribes within one year. The bill, sponsored by Cong. "Jack" Cunningham of Washington, would also have phased in tax responsibility for formerly reservation land over a 20 year period, provided \$100 million a year for five years as transition payments, and eliminated the BIA. The bill received no action. The defeat of Cong. Cunningham in the November 7 Congressional elections makes the bill's reintroduction unlikely.

S. 2773, The Indian Trust Information Protection Act of 1978, would have prevented any Indian trust information held by the U.S. Government from being disclosed under the Freedom of Information Act. Exceptions would be made for the requests of individual Indians and Tribes.

S. 991, The Department of Education Bill, passed the Senate, but not until after the acceptance of an amendment offered by Sen. Ted Stevens (R., Alaska) to remove BIA education programs from the bill. In the House, the BIA education programs were deleted in subcommittee action. The bill, however, never reached the House floor and so will probably be reintroduced next Congress. It is uncertain whether Indian education will be included in the new bill.

# Indian News Notes

by Vince Lovett

**NAME THAT INDIAN SPOKESMAN:** According to a State Department report an Indian spokesman has promised Rhodesian natives 5,000 veteran Indian troops from the Shoshone, Blackfeet and Apache Tribes to assist them in their battle for freedom. This information was published in the *Zambia Times* for December 2, and the spokesman was identified as Puerza Rustec, the leader of a confederation of Indian warriors with headquarters in Washington, D.C. The State Department official said they could not identify Rustec, but when they played with the spelling of the name Rustec was quickly unscrambled to read Custer. Puerza, the official said, was less clear but looked like it could be unscrambled into some kind of obscene phrase by reversing the first two letters and making some other adjustments.

**GAO REPORT STRESSES NEED FOR WATER CLAIMS SETTLEMENT:** The General Accounting Office said in a November report to Congress that there is an "urgent need" to settle Federal and Indian water claims in the West. Drought and mounting demands are aggravating the long-litigated problem of undetermined Federal claims, the GAO report said. The report says some Indian demands will be large, because most Indian tribes have been settled on arid lands where water supplies are most limited. Colorado Director of the Water Conservation Board said in the *Rocky Mountain News* that he was concerned about the open-ended nature of the Federal doctrine of water rights. "They say they want water, but they don't say how much. We never quite know if they are talking about a million acre-feet a year or a few hundred acre-feet."

## Artichoker transferred from Phoenix

Assistant Secretary—Indian Affairs Forrest J. Gerard announced today the detail of Phoenix Area Director John Artichoker to manage the training and personnel assistance project which will determine the feasibility of establishing a national training center for Indian tribes and the Bureau of Indian Affairs.

Gerard said Artichoker's educational background and professional experience make him eminently qualified to carry out the Congressionally mandated study.

An acting area director will be named for the Phoenix area shortly, Gerard said. Artichoker's detail was effective December 1, 1978, and the study will begin in Phoenix.

## Extended Season Roads, cont'd

distance from the mill meaning "extraordinary expenses" incurred by increased handling. Also logs tend to deteriorate if stockpiled for too long.

Palmer said that it is difficult for the mill's crew to keep up with the roads and that use during wet weather causes erosion and damage to the subgrade and threatens water quality.

BIA Forest Manager Ken Engelbretson said that logging roads have been maintained at a "minimum level needed to get logs out and provide safe access," road betterment has not been proposed in the past because of the great expense, he said.

Raynor suggests that better roads would permit "today's forest management technology" to be put into practice. Access would be provided to unmanaged timber stands, salvage work would be more efficient, planting delays would be prevented, and water and soil conservation would be enhanced.

Logger and councilman Zane Jackson said that members of logging crews (about a third of

whom are Indians) would be "better off financially" if they could work year-round. Logging operators themselves would have fewer monthly expenses if their season was extended, he said.

The total financial and environmental impact of a new road system has not yet been fully assessed, but some interests are skeptical. The natural resources program for one, is concerned about increased recreational pressure on the area which can mean more permit sales but greater patrolling expenses and a questionable impact on resources.

The costs of an extended season road system go beyond construction to include annual maintenance and snow removal expenses, Raynor points out. The project was given a twenty-year amortization period, with 64.9 percent of the cost projection realized in savings.

Funding sources for the multi-million dollar project have not been pinpointed, said Tribal administrator Doug McClelland, but a forestry add-on is one possibility.

## Spilyay Speaks

# TOE NESS

THERE WERE THESE TWO good buddies who were talking on their coffee break one day. Art told his buddy Bob, "You know you are my best buddy, if I had two cars I'd give you one, if I had two airplanes I'd give you one, if I had two horses I'd give you one, if I had two cows I'd give you one, if I had two "Blondes" . . . I'd give you another cow." YIKES

SS SS SS

THERE WAS THIS GUY crossing a busy street when a woman fell in front of him, but he just side stepped her and went on, further down the street his buddie catches up with him and asks, "Why didn't you help that lady who fell in the street?" His reply was, "My mother told me never have anything to do with fallen women." YIKES

SS SS SS

THERE WAS THIS POLACK who thought that he made a good investment when he purchased a great number of 1978 Calendars. When asked why he purchased all of those calendars he said, "Just think, if 1978 comes again I'll have it made." YIKES

SS SS SS

THIS GUY ASKS HIS wife as she was leaving, "Where are you going?" She said, "I'm going to the beauty shop and will not return until they make me beautiful." "Oh no!" You mean I've got to cook, clean house and wash my own clothes the rest of my life?" YIKES

SS SS SS

THERE WAS THIS GUY who told his friend that he lived in a one horse town. There were about 200 people that lived there but he finally decided to leave. His friend asked, "How come you decided to leave such a peaceful town. The reply was, "Can you imagine 200 people trying to get on one horse." YIKES

SS SS SS

YOU KNOW THAT TELLING a lie can get a person into a lot of trouble! Take George Washington for instance, he chopped down the Cherry tree. When his father asked, "Who chopped down the cherry tree?" George steps forward and said, "I can't tell a lie, it was I who chopped down the cherry tree." His father said, "for telling the truth I won't punish you.

You know that where we lived we had no indoor plumbing, we had an out house near the cliff and one day I got the brain storm to push the out house over the cliff. When my dad asked, "Who pushed the out house over the cliff?" I stepped forward and said, "I can't tell a lie, it was I who pushed the out house over the cliff." You know I got the worst spanking that I have ever had and when I reminded my dad about George Washington about telling the truth and he never was punished, my dad said, "I'll bet his dad was not sitting in the cherry tree when it was cut down." YIKES

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