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ASSISTANT SECRETARY FOR INDIAN AFFAIRS

Establishes an additional Assistant Secretary of the Interior responsible for Indian Affairs. The purpose of this proposal is to upgrade the position of Commissioner of Indian Affairs (which would be eliminated by the proposal) to that of an Assistant Secretary of the Interior, The creation of this position will raise the Department's responsibility for Indians to its proper level within the structure of the Department. Focusing his attention solely on their unique problems, the new Assistant Secretary will work full-time with Indians to improve their economic and social conditions and assist in the development of their full potential, both for their own and the Nation's benefit.

INDIAN ASSUMPTION OF CONTROL

Provides for the assumption of the control and operation by Indian tribes and communities of certain programs and services provided for them by the Federal Government. This proposal will enable any Indian tribe, band, group, or community to request and assume control of any program or service now extended to it by the Bureau of Indian Affairs of the Department of the Interior or the Indian health service program of the Public Health Service of the Department of Health, Education, and Welfare. The two program areas are the ones that deal most directly with Indian people. The turnover will be made after the tribe has consulted with the appropriate Department, has worked out a transfer plan with that Department, and has submitted that plan formally along with its request for the turnover. Even though an Indian group assumes the control and operation of a program or service, the Federal government will retain its ultimate responsibility for that program or service and will maintain its trust relationship with that Indian group.

TRANSFER OF CIVIL SERVICE EMPLOYEES

This proposal is a companion to our proposal that authorizes Indian tribes to assume control and operation of programs and services now rendered for them by the Federal Government. It allows civil service employees to transfer with the program or service and retain the coverage that they now enjoy as civil servants and also gives them preferential reemployment rights for a period of five years. Without the opportunity for continuity in the operation of transferred programs, most if not all such transfers would be doomed to failure.

INDIAN FINANCING ACT

The Indian Financing Act is designed to infuse capital into Indian country. Essentially the Act contains three major programs. The first expands several existing revolving loan funds that have been operated by the Department of the Interior with limited capital and limited applicability. Under the Act these funds would be consolidated into one fund, $50 million in additional funds would be added to the fund, for a total of $75 million, and the fund would be made available to all tribes and eligible individuals on the same basis. The second major section in the bill is aimed at making Indians more attractive prospects for private lenders by means of a guarantee program. By virtue of this program the Secretary

of the Interior would guarantee up to 90 percent of loans made to Indians by private institutions. Finally, the Act would authorize the Secretary to make grants to small Indian businessmen. These grants, of up to $50,000 per venture, would enable Indians to launch business ventures but could be made only to those who were ineligible to obtain loans or loan guarantees under the Act.

INDIAN TRUST COUNSEL AUTHORITY

Provides for the creation of the Indian Trust Counsel Authority. The Indian Trust Counsel would 'provide independent legal counsel and representation on behalf of Indians and Alaska Natives in the assertion of their natural resource rights. Such an authority is needed to remedy a conflict of interests on the part of the Federal Government. The Authority will be free from control by any Executive Department. This independence will enable the Authority to protect the natural resource rights and interests of Indians untrammeled by any other interest. The Authority will be under the direction of a three-man Board of Directors, two of whom must be Indians. The proposal authorizes the Authority, upon the request of an aggrieved Indian or group of Indians, to assist those Indians in the protection of their natural resource rights and interests in the courts and before administrative bodies. This authority will be used when a tribe has a justiciable claim and feels that it needs the assistance of the Authority for prosecuting that claim. The assistance rendered by the Authority is in addition to the responsibilities that the Department of the Interior has to protect Indians, not only in their natural resource rights, but in all rights protected by the trust relationship between the United States and American Indians.

EXPANSION OF CONTRACTING AUTHORITY WITH TRIBES

Amends the Johnson-O'Malley Act to authorize the Department of Interior to channel funds appropriated under the Act directly to Indian tribes and communities. This amendment will add new authority to contract directly with Indian tribes, bands, groups, or communities who run their own educational institutions, enabling the Secretary to arrange for direct Indian involvement in Indian education, agricultural assistance, and social welfare. The same authority will be given to the Secretary of Health, Education, and Welfare for Indian health programs.

LIVESTOCK TRESPASS AND TRADERS

A proposal to afford Indians greater control over activities conducted on their reservations, concern the areas of livestock trespass and traders. Section 1 of the bill provides that any person allowing his livestock to trespass on trust or restricted land without the consent of the Secretary of the Interior shall be liable for a penalty of $5 per day for each head of livestock in trespass, together with the value of forage used by the animal during the period of trespass plus any other cost incurred in connection with the trespass. Section 2 of the proposal authorizes Indian tribal governments to enact laws and ordinances relating to the issuance of trader licenses on their reservation. This will place with tribal governments the ultimate decision as to whether federal law or their own trading ordinances shall obtain on the reservations.