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COMMUNITY SERVICES

DECEMBER 19, 1974.—Ordered to be printed

Mr. PERKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 14449]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Headstart, Economic Opportunity, and Community Partnership Act of 1974".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to extend programs under the Economic Opportunity Act of 1964, including Headstart, community action, and community economic development programs; and to provide for increased involvement of State and local governments in anti-poverty efforts by authorizing a community partnership program.

SHORT TITLE AND DEFINITIONS

SEC. 3. The Economic Opportunity Act of 1964 is amended by adding after Section 2 the following new sections:

"Short Title

"SEC. 101. This title and titles II through IX of this Act may be cited as the 'Community Services Act of 1974'.

crimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this title."

NATIVE AMERICAN PROGRAMS

SEC. 11. The Economic Opportunity Act of 1964 is further amended by inserting after title VII thereof the following new title VIII:

"TITLE VIII—NATIVE AMERICAN PROGRAMS

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Native American Programs Act of 1974'.

"STATEMENT OF PURPOSE

"SEC. 802. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives.

"FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

"SEC. 803. (a) The Secretary is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaska Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this title. In determining the projects to be assisted under this title, the Secretary shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible.

"(b) Financial assistance extended to an agency under this title shall not exceed 80 per centum of the approved costs of the assisted project, except that the Secretary may approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. The Secretary shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this title.

"(c) No project shall be approved for assistance under this title unless the Secretary is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Secretary may waive this requirement in any case in which he determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this title.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private agencies in developing, conducting, and administering projects under this title, and (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title.

"RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

"SEC. 805. (a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this title.

"(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this title. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

"ANNOUNCEMENT OF RESEARCH, DEMONSTRATION, OR PILOT PROJECTS

"SEC. 806. (a) The Secretary shall make a public announcement concerning—

"(1) the title, purpose, intended completion date, identity of the grantee or contractor, and proposed cost of any grant or contract with a private or non-Federal public agency for a research, demonstration, or pilot project; and

"(2) except in cases in which the Secretary determines that it would not be consistent with the purposes of this title, the results, findings, data, or recommendations made or reported as a result of such activities.

"(b) The public announcements required by subsection (a) shall be made within thirty days of making such grants or contracts, and the public announcements required by subsection (b) of this section shall be made within thirty days of the receipt of such results.

"SUBMISSION OF PLANS TO STATE AND LOCAL OFFICIALS

"SEC. 807. (a) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out on or in an Indian reservation or Alaskan Native village, unless a plan setting forth the project has been submitted to the governing body of that reservation or village and the plan has not been disapproved by the governing body within thirty days of its submission.

"(b) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a State other than on or in an Indian reservation or Alaskan Native village or Hawaiian Homestead, unless the Secretary has notified the chief executive officer of the State of his decision to provide that assistance.

"(c) No financial assistance may be provided to any project under section 803 of this title or any research, demonstration, or pilot project under section 805 of this title, which is to be carried out in a city, county, or other major political subdivision of a State, other than on or in an Indian reservation or Alaskan Native village, or Hawaiian Homestead, unless the Secretary has notified the local governing officials of the political subdivision of his decision to provide that assistance.

"RECORDS AND AUDITS

"SEC. 808. (a) Each agency which receives financial assistance under this title shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by that agency of such financial assistance, the total cost of the project in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any agency which receives financial assistance under this title that are pertinent to the financial assistance received under this title.

"APPEALS, NOTICE, AND HEARING

"SEC. 809. The Secretary shall prescribe procedures to assure that—

"(1) financial assistance under this title shall not be suspended, except in emergency situations, unless the assisted agency has been given reasonable notice and opportunity to show cause why such action should not be taken; and

"(2) financial assistance under this title shall not be terminated, and application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the assisted agency has been afforded reasonable notice and opportunity for a full and fair hearing.

"EVALUATION

"SEC. 810. (a) The Secretary shall provide, directly or through grants or contracts, for the evaluation of projects assisted under this title, including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such projects. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

"(b) Prior to obligating funds for the programs and projects covered by this title with respect to fiscal year 1976, the Secretary shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this title. The extent to which such standards have been met shall be considered in

deciding whether to renew or supplement financial assistance authorized under this title.

"(c) In carrying out evaluations under this title, the Secretary may require agencies which receive assistance under this title to provide for independent evaluations.

"(d) In carrying out evaluations under this title, the Secretary shall, whenever feasible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this title about such programs and projects.

"(e) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness not later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

"(f) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this title shall become the property of the United States.

"LABOR STANDARDS

"SEC. 811. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting or decorating, of buildings or other facilities in connection with projects assisted under this title, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 2 of the Act of June 1, 1934.

"DELEGATION OF AUTHORITY

"SEC. 812. (a) The Secretary is authorized to delegate to the heads of other departments and agencies of the Federal Government any of his functions, powers, and duties under this title, as he may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

"(b) Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this title.

"(c) Funds appropriated for the purpose of carrying out this title may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are authorized and appropriated.

"DEFINITIONS

"SEC. 813. As used in this title, the term—

"(1) 'financial assistance' includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment or goods or services;

"(2) 'Indian reservation or Alaskan Native village' includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reser-

ation in Oklahoma, any community under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaskan Native village or group, including any lands selected by Alaskan Natives or Alaskan Native organizations under the Alaska Native Claims Settlement Act;

"(3) Native Hawaiian means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 814. There are authorized to be appropriated for the purpose of carrying out the provisions of this title, such sums as may be necessary for fiscal years 1975 through 1977."

EVALUATION

"SEC. 12. Title IX of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE IX—EVALUATION

"PROGRAM AND PROJECT EVALUATION

"SEC. 901. (a) (1) The Director shall, directly or through grants or contracts, measure and evaluate the impact of all programs authorized by this Act and of poverty-related programs authorized by other Acts, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not directly involved in the administration of the program or project evaluated.

"(2) In carrying out his responsibilities under this section, the Director, in the case of research, demonstrations, and related activities carried out under title I of this Act, shall, after taking into consideration the views of State agencies and community action agencies designated pursuant to section 210 of this Act, on an annual basis—

"(A) reassess priorities to which such activities should be directed; and

"(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities in section 102(a) of this Act, whether and on what basis such activities should be continued, revised, or terminated.

"(3) The Director shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

The Senate amendment established a Community Economic Development Resources Committee to develop plans and procedures for cooperation between various federal agencies. The House bill contained no comparable provision.

The Senate recedes with an amendment adding to the list of items that shall be included in the joint study the development of methods to assure maximum utilization of the resources of all federal agencies having responsibilities under this title, as well as other public and private agencies and organizations.

The Senate amendment created a National Commission on Community Economic Development including two Members each from the House and Senate plus nine other members familiar with the Community Economic Development programs, to report on the appropriate administrative agency for the Community Economic Development Program. The House bill authorized a joint study by the appropriate House and Senate Committees to determine the appropriate administrative agency.

The Senate recedes.

The Senate amendment required a final report by June 30, 1975; the House bill one year after enactment.

The Senate recedes.

The Senate amendment entitled the Native American Program the "Native American Economic Opportunity Programs Act". The House bill named the program the "Native American Program Extension Act of 1974".

The conference agreement provides that the title of this program be "Native American Programs Act of 1974".

The Senate amendment provided for administering the program through the Community Services Administration. The House bill administered the program through the Secretary of Health, Education, and Welfare.

The Senate recedes.

The Senate amendment required the Director to develop evaluation standards prior to obligating funds under the program. The House bill contained no comparable requirement.

The House recedes.

The Senate amendment provided for obtaining the views of program participants for program evaluations. It further required the Director to publish evaluation summaries within 90 days of completion and required assurances that such evaluations become public property. The House bill contained no comparable requirements.

The House recedes.

The House bill defined the term State to include the District of Columbia. The Senate amendment did not include this definition.

The Senate recedes.

The Senate amendment defined "Native Hawaiian"; the House bill did not.

The House recedes.

The Senate amendment required the evaluation by persons not directly involved in program evaluated. The House bill contained no comparable requirement.

The House recedes.

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The Senate amendment required the Director to reassess priorities and determine the future of research demonstration activities. It also required the Director to report his determination to the appropriate Committees of Congress within twelve months of the date of enactment. The House bill contained no comparable provisions.

The House recedes.

The Senate amendment required publication of standards of evaluation prior to obligating funds for fiscal year 1976. The House bill contained no comparable provision.

The House recedes.

The House bill required publication of evaluations within 60 days of completion. The Senate amendment stipulated 90 days and required submission of such reports to the appropriate Congressional Committees.

The House recedes.

The House amendment provided for the evaluation of programs by heads of other agencies in addition to the Director. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment authorized the administration of the Research and Demonstration Program through the Community Services Administration. The House bill authorized the administration of a Human Services Policy Research Program through the Secretary of Health, Education, and Welfare.

The House recedes.

The Senate amendment required at least 25% of research funds under this title for programs authorized under local incentive and community partnership sections. The House bill contained no comparable provision.

The conference agreement provides that in making grants or contracts under this title the Director shall give due consideration to requests for funds by applicants receiving financial assistance under Section 221 or 235 of the Act.

The House bill required the Secretary to consult with State and other federal agency heads on evaluations under this title. The Senate amendment contained no comparable provision.

The Senate recedes.

The House bill specified that unless expressly limited funds appropriated remain available until expended. The Senate amendment contained no comparable provision.

The Senate recedes.

The Senate amendment extended authorization for appropriations automatically for one additional fiscal year in absence of Congressional action on authorizations of appropriations. The House bill contained no comparable provision.

The House recedes.

The Senate amendment provided that officers of OEO who had been confirmed by the Senate continue to serve in an acting capacity in comparable positions in the Community Services Administration but the President must submit nominations for positions in the Community Services Administration within 90 days of its establishment. The House bill contained no comparable provision.

House Report

COMMUNITY SERVICES ACT OF 1974

MAY 15, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor,
submitted the following

REPORT

together with

ADDITIONAL, MINORITY, ADDITIONAL MINORITY, AND
SUPPLEMENTAL MINORITY

[To accompany H.R. 14449]

The Committee on Education and Labor, to whom was referred the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts substitute text which appears in italic type in the reported bill.

INTRODUCTION

PURPOSE

It is the purpose of this bill to provide for the continuation of programs currently authorized under the Economic Opportunity Act of 1964, as amended, including Community Action, Legal Services, Senior Opportunities and Services, Headstart, Follow Through and others. In recognition of the delegation of several programs under the delegation authority of the Director of the Office of Economic Opportunity, the Committee has legislated the transfer of these programs to other Federal departments and agencies: Headstart, Follow Through, Native Americans, Comprehensive Health Services and the Human Services Policy Research program have been transferred to the Department of Health, Education and Welfare; and the migrant programs under Part B of Title II have been transferred to the Depart-

ment of Labor. The Community Economic Development Program, Title VII of the Economic Opportunity Act, is transferred to the Department of Commerce.

The bill establishes a Community Action Administration under the Secretary of Health, Education and Welfare with a Director to be appointed by the President and confirmed by the Senate. In addition to administering the community action and other programs under his jurisdiction, the Director is authorized to take an active role in coordinating and evaluating programs administered by other Federal agencies as well as initiating innovative programs.

A SUMMARY OF THE MAJOR PROVISIONS OF THE BILL

The Community Services Act of 1974 provides for the continuation of programs presently authorized under the Economic Opportunity Act of 1964, as amended, including the Community Action Program, and establishes a Community Action Administration in the Department of Health, Education, and Welfare to administer these programs. The bill authorizes to be appropriated such sums as may be necessary for fiscal years 1975, 1976 and 1977, except that \$330,000,000 is authorized to be appropriated for local initiative programs under section 121 for fiscal year 1975; \$50,000,000 is authorized to be appropriated for incentive grants under section 145 for fiscal year 1975; separate authorizations of \$500,000,000, \$525,000,000, and \$550,000,000 for fiscal years 1975, 1976, and 1977, respectively, are provided for Headstart; and \$60,000,000 for each fiscal year is authorized for Follow Through.

In addition, the bill:

Repeals the Economic Opportunity Act of 1964, as amended.

Changes the level of Federal support for Community Action programs to 80% for fiscal 1975, 70% for fiscal 1976 and 60% for fiscal 1977. Allows the local share to be met on a statewide basis.

Establishes a new Incentive Grant program designed to encourage Community Action Agencies to secure new local dollars.

Modifies the allotment formula for Community Action Programs to reflect the Orshansky poverty index as determined by the 1970 Census.

Transfers the authority for the Headstart program to the Department of Health, Education and Welfare, and authorizes the Program for three years.

Transfers the authority for the Follow Through program to the Department of Health, Education and Welfare, and authorizes the Program for three years.

Provides authority in the Department of Health, Education and Welfare for the Native American Program.

Provides authority for the Human Services Policy Research Act in the Department of Health, Education and Welfare for three years.

Transfers the Community Economic Development program to the Department of Commerce and authorizes the Program for three years.

Transfers the Comprehensive Health Services program to the Department of Health, Education and Welfare.

Transfers the Migrant programs under Part B of Title II to the Department of Labor.

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COMMITTEE ACTION

In February 1973 the Equal Opportunities Subcommittee began hearings on various legislative proposals to continue the Economic Opportunity Act of 1964. A total of fifteen days of hearings were held both in Washington and throughout the country. On April 9, the Subcommittee ordered reported to the full Committee H.R. 14094. On April 30, the full Committee ordered reported to the House H.R. 14449 with an amendment by a vote of 27-8.

COST ESTIMATE

Program	Fiscal year—		
	1975	1976	1977
Local initiative.....	\$330,000,000	\$330,000,000	\$330,000,000
Incentive grants.....	50,000,000	50,000,000	50,000,000
Legal services.....	71,500,000	90,000,000	100,000,000
Community food and nutrition.....	25,000,000	30,000,000	30,000,000
Senior opportunities and services.....	10,500,000	10,500,000	10,500,000
Migrant programs.....	56,000,000	60,000,000	60,000,000
Youth recreation and sports program.....	3,000,000	5,000,000	5,000,000
Head Start.....	500,000,000	525,000,000	550,000,000
Follow Through.....	60,000,000	60,000,000	60,000,000
Native American program.....	32,000,000	37,000,000	43,000,000
Human services policy research.....	22,000,000	22,000,000	22,000,000
Community economic development.....	40,000,000	40,000,000	40,000,000
Total.....	\$1,199,500,000	\$1,259,500,000	\$1,300,500,000

PROGRAMS AUTHORIZED BY THE COMMUNITY SERVICES ACT

Community Action

The Community Action program authorized by Title I provides assistance, both financial and technical, to communities conducting campaigns to reduce poverty. As originally conceived, Community Action was a recognition of the fact that while poverty is a national concern its various causes and symptoms are best understood and best dealt with at the local level. Communities are encouraged and helped to develop programs aimed at the special needs of their own poor families, to develop their own ideas, commit their own resources, assume responsibility for initiating and carrying out programs suited to their own needs. Under the Community Action program financial and other assistance is provided to the communities for a variety of purposes and through a variety of mechanisms and a number of categorical approaches.

Local Initiative

Local Initiative funds provide the vehicle for the total Community Action process which includes analysis of community problems, the development of a strategy for dealing with those problems, the assignment of priorities, the development of programs to accomplish specific objectives, mobilization of resources to support needed program efforts, the conduct of programs and self-evaluation of these efforts. In addition, to the extent permitted, Local Initiative funds sustain a wide range of specific programs dealing with health, manpower, day care, youth development and other programs in addition to those of a "special emphasis" category which tend to be better known.

Legal Services

A conference report is currently awaiting action by the Congress which would establish a Legal Services Corporation. Recognizing the

need for a transitional authority until the Corporation is established, the Committee has retained the authority for the Legal Services program in this bill.

Community Food and Nutrition

The Community Food and Nutrition Program (originally the Emergency Food and Medical program) was established to provide food and assistance in areas with serious hunger problems. Federal feeding programs were severely limited and ineffectively implemented. Its chief purposes have been to provide mechanisms and facilities, such as outreach, transportation, certification assistance and liaison, and to identify and overcome obstacles to the full use of food programs, rather than direct feeding. In a limited way the program has provided food on a temporary basis in critical situations. Funds have been used for self-help projects whereby participants can raise and process their own foodstuffs. At the suggestion of the Office of Economic Opportunity, the program name has been changed to reflect the program's increasing focus on community nutrition and to delete references to medical services which are not effectively provided in a program of this size.

Environmental Action

This program authorizes projects to combat pollution and improve the environment. It combines the elements of a work program with a recognition of the need to improve the environment, particularly the environment in which the poor find themselves. Projects may include clean-up and sanitation activities, reclamation and rehabilitation of areas damaged by natural and man-made destruction.

Rural Housing Development and Rehabilitation

This program is designed to give special emphasis to the problem of inadequate housing in rural areas. Its intention is to encourage experimentation in rural areas, to enhance existing Federal housing programs, and provide new housing thrusts in the future through assistance to nonprofit rural housing development corporations and cooperatives for construction of new housing and the repair and renovation of existing housing.

Senior Opportunities and Services

The Senior Opportunities and Services program is designed to meet the special needs of elderly citizens which are not met by the more generalized programs designed for younger persons. Health, employment, housing, consumer, welfare and other needs of the elderly are recognized and provided for.

Design and Planning Assistance

This program provides financial assistance for technical assistance and professional architectural and related services for programs conducted by community-based design and planning organizations. The program encourages the maximum use of voluntary services of professional and community personnel.

Youth Recreation and Sports Program

The Youth Recreation and Sports Program provides disadvantaged young people with recreation and physical fitness instruction concen-

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trated in the summer months and utilizing college and university and other recreational facilities. The program includes instruction concerning study practices, career opportunities, job responsibilities, health and nutrition and drug abuse education. It is currently administered through the National Collegiate Athletic Association, and in 1973 had 105 institutions located in 71 cities participating.

Consumer Action and Cooperative Programs

The Consumer Action and Cooperative program aids the development, technical assistance and operation of consumer action and advocacy and cooperative programs, credit resources development programs, and consumer protection and education programs. It is intended to aid low-income individuals and groups in enforcing consumer rights, and protecting against unfair or discriminatory trade and commercial practices.

Technical Assistance and Training

Through this program the Director provides training and technical assistance to communities to develop and conduct programs to meet their own needs and national goals. The Director may assign personnel to the local agency for limited times, however most assistance is provided through contracts with various professional and volunteer organizations which have special competence in the areas involved.

State Agency Assistance

State agencies under this program are generally an adjunct to the Office of the Governor within the individual State. Their purpose is to mobilize antipoverty resources within the State, serve as an advocate for the poor, provide technical assistance to grantees, consult with the Community Action Administration and local Community Action agency personnel on funding requests, to give advice, training and technical assistance, and to assist the Administration in monitoring and evaluation of program activities.

Rural Loan Program

The Rural Loan Program provides loans to low-income rural families to assist them in maintaining and raising their income. Loans are made to both individuals and cooperative associations. The program is conducted by the Farmers Home Administration.

Special Programs for Migrants and Seasonal Farmworkers

Title II(B) provides special programs for millions of Americans who depend for bare subsistence on earnings sporadically available from farm employment. The program serves both those classified as seasonal-hire farm labor and those who migrate during peak harvest seasons. It is the intent of the Committee that these programs should provide a wide variety of services including day care, remedial education (including high school equivalency), emergency food and housing, and health care.

Evaluation, Research and Demonstration

Research activities are designed to expand information on the causes of poverty, its incidence and on the means and mechanisms necessary to alleviate it. These efforts seek to develop workable models and innovative programs that can be used by Federal, State

or local agencies to meet the needs of the poor. Evaluation activities involve attempts objectively to assess the effects of a given program and the relative effects of different programs and techniques, as well as other variables such as different managerial and operational techniques.

Headstart

Headstart is a comprehensive preschool program for poor children providing medical, dental, nutritional, educational and social services so as to meet many of the intellectual, social and health needs and enhance the quality of life of the deprived school child while he is in the program. There is heavy emphasis on parental involvement. Headstart serves children through three basic programs—full year, part-day; full-year, full day; and short summer programs. Headstart is conducted by the Office of Child Development in the Department of Health, Education and Welfare.

Follow Through

Follow Through is designed to build upon the gains enjoyed by children in Headstart and, as in Headstart, a range of early childhood needs—educational, physical, psychological, as well as social needs—are recognized through programs conducted in the early grade school years. Follow Through is administered by the Office of Education.

✓ *Native American*

The Native American program, administered by the Department of Health, Education and Welfare, applies innovative approaches to the special needs of Indians and Alaska Natives in an effort to increase the economic and social self-sufficiency of the Indian people.

Human Services Policy Research

This research program presently operated by HEW under delegation by the Office of Economic Opportunity, provides broad policy research on questions of employment, income maintenance, etc. and basic research and statistical studies on the extent and causes of poverty.

Community Economic Development

The Community Economic Development program provides support for economic and community development in urban and rural areas with high concentrations of poor people through Community Development Corporations and cooperatives. The program is designed to have a limited number of significant and highly visible projects promoting opportunities for community self-development, individual entrepreneurship and good jobs.

THE COMMITTEE BILL

Except as otherwise indicated, the Committee Bill contains all of the provisions of the Economic Opportunity Act of 1964, as amended.

COMMUNITY ACTION

Although Community Action was once highly controversial, the Committee finds that it enjoys wide acceptance and support from State and city officials and civic leaders from all sections of the country and reflecting the full spectrum of political persuasion.

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efforts in each State with other State and Federal agencies providing preschool services to handicapped children. Particular attention should be given to coordinating with State plans developed under the Education of the Handicapped Act and Developmental Disabilities Services Act. It is not the Committee's intent that Headstart be the total delivery system for preschool education and related services for handicapped children. There are one million preschool handicapped children and only 38,000 are to be served in part by Headstart. Thus the Committee expects that other State and Federal programs would continue and expand their services to these children. But because of this multiplicity of service systems, it becomes more important that coordination take place so that duplication is eliminated and that some handicapped children do not fall into the gaps between agencies and programs.

The Committee realizes the effective integration of handicapped children into Headstart will not be achieved overnight particularly since much needs to be done to re-educate Regional and local Headstart staffs to be willing to accept handicapped children into their programs and how they can meet the needs of such children. The Committee commends OCD for its initial efforts in providing technical assistance and information support activities in this regard. The Committee is concerned, however, that only one regional office presently employs a full-time staff person to coordinate such activities. It is the Committee's hope that efforts will be taken by OCD to assign individual full-time responsibility for this effort in other offices, particularly during the next several years as this aspect of the program develops.

Finally, the Office of Child Development did not submit the 1974 Annual Report on the handicapped as required by statute. Also the Committee has not been able to secure anything but rough preliminary data from an OCD supported study conducted by Systems Research Incorporated. Therefore, the Committee directs the OCD to submit the annual report, and as separate documents, the Michigan and Syracuse subcontract of the SRI studies to both Houses of Congress at the earliest possible date.

FOLLOW THROUGH

Part B transfers the legislative authority for Project Follow Through to the Department of Health, Education and Welfare and extends its authorization for three additional years. The Committee feels that Follow Through has been an effective program which has shown tremendous promise in creating new and exciting methods that aid in the continued development of children in the primary grades. The Committee specifically rejects the Administration's suggestion that Follow Through has outlived its usefulness and should be phased out over a period of years. By re-enacting the Following Through program as a separate authority in the Department of Health, Education and Welfare, the Committee expects to see Follow Through continue to be funded at a level that is certainly no less than the \$60 million that was appropriated in fiscal year 1973.

NATIVE AMERICAN PROGRAM

Background

✓ The Native American Program (NAP), transferred from the Office of Economic Opportunity in FY 1974, applies innovative approaches

to deal with the special needs of Indians and Alaska Natives, and provides for a better focusing of available resources to enable them to attain economic self-sufficiency. The program assists native Americans, acting through their own instruments of self government, to establish their own programmatic and funding priorities and to provide direction to institutions and programs affecting their daily lives. A major element for the variety of NAP projects is overcoming the problems of poverty. Eighty percent of reservation residents are poor. Approximately 75% of native Americans not living on reservations are poor. Assistance under the Native American Program is provided through grants or contracts to tribal councils or other public or private non-profit agencies off reservations. The amount of the basic grants to reservations is based on the number of poor residents. Discretionary money is also available for short-term fundings to tribal councils or other grantees. The primary purposes of these grant and contracts include:

- (1) strengthening of tribal governments aimed at increasing the capability of reservation Indians to perform services now provided by non-Indian organizations;
- (2) support of a range of services to meet individual and family needs;
- (3) support for operation of urban centers serving Indian people living off reservations; and
- (4) funding to encourage self-help and community economic development efforts.

Basic Purpose

The basic purpose of the ONAP Program is to increase the economic and social service self-sufficiency of the Indian people. This is in line with the whole concept of self-determination which has as its main function to build the capacity of tribal governments and off-reservation Indians to make decisions and to manage programs which affect their social and economic conditions. This is reflected in the ONAP program through two major activities. The first is to assist tribal governments in building their capacity to manage economic development and human services and, secondly, for off-reservation Indians to develop the capacity for linking into human services delivery systems supported primarily through the Federal Government and State and local governments. This is done primarily through information and referral outreach centers in the major cities of the country with large concentrations of urban Indians.

The Act

The Act authorizes the Secretary of Health, Education, and Welfare to continue operation of the Native American Program in the same manner as that program is now being carried out under title II of the Economic Opportunity Act of 1964 under a delegation from the Director of the Office of Economic Opportunity. The Act authorizes the appropriation of such sums as may be necessary to carry out the program for fiscal years 1975, 1976 and 1977.

The Act not only continues the present focus of the Native American Program, but also parallel the language of those sections of the Economic Opportunity Act that affect the conduct of the program. The Secretary is authorized to provide financial assistance to public and non-profit private agencies for projects to promote the goal of enabling American Indians and Alaskan natives to become economi-

cally and socially self-sufficient. Technical assistance, training, and research and demonstration efforts related to the provision of this financial assistance is also authorized.

The estimated budget for the next three fiscal years is \$32 million for FY 1975, \$37 million for FY 1976, and \$43 million for FY 1977.

Because of the relationship of programs funded under the Native American Program with other human service programs under the Department of Health, Education, and Welfare, it is the committee's intent that NAP remain within HEW and not be delegated to the Bureau of Indian Affairs.

COMPREHENSIVE HEALTH SERVICES PROGRAM

The Comprehensive Health Services Program authorized by EOA Section 222(a)(4) was transferred to HEW on July 6, 1973. Since that time, this program has been operated successfully by the Health Services Administration as a single program which combined Neighborhood and Family Health Centers authorized by Section 314(e) of the Public Health Service Act, with the OEO program.

This combined program provides support of 157 ambulatory health care activities which provide primary health care (and develop arrangements for specialty and inpatient care), particularly to the low income population in areas where health resources are scarce or non-existent. During the past few months, a concerted effort has been made to improve the management capabilities of these community health care activities, and to improve their effectiveness so they can serve more people. Note that some centers receive both 314(e) and 222(2)(4) funds. Legislation now pending before the House Interstate and Foreign Commerce Committee to extend the Neighborhood Health Centers maintains broad authority to continue the existing programs.

We believe a transfer of EOA 222(a)(4) to the Secretary of HEW is the most efficient and effective course of action rather than a special authority within the Community Action Administration.

HUMAN SERVICES POLICY RESEARCH ACT

The Human Services Policy Research Act is intended to assure that the Secretary of HEW has authority necessary to continue policy research activities now carried out in HEW under authority of Section 232 of the Economic Opportunity Act of 1964 by delegation from OEO.

Background

By delegations of authority from the Director of OEO and the approval of the President, poverty related research conducted by OEO under Section 232 of the Economic Opportunity Act was transferred to HEW, HUD and Labor. The transfers which were in progress through the spring of 1973 were finally effective in July 1973. On-going projects, some FY 1973 funds and personnel were included in the transfers. Each of the receiving departments included in their FY 1974 budget submission specific requests for appropriation of funds to continue the transferred research activities.

Among the research activities transferred to HEW was Policy Research for which \$22.7 million is appropriated to the Departmental Management account of the HEW budget for FY 1974. These funds included \$1.9 million for personnel and other program administration expenses and the remainder for projects most of which were continua-

AUTHORIZATION

The committee authorizes such sums as may be necessary for fiscal 1975, 1976, and 1977 for carrying out the purposes of this Act.

CONGRESSIONAL REVIEW

The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall conduct a joint study, which study shall include:

(a) A consideration of an appropriate administrative agency for the conduct of programs after July 1, 1975, under this Title;

(b) Review the extent to which programs and activities conducted under this Act meet the overall need in the Nation for Community Economic Development Programs and the resources available from public and private funds in meeting those needs.

The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor shall report on their findings, together with any recommendations for further legislation, not later than one year after enactment of this Act.

SECTION-BY-SECTION ANALYSIS

Short title

The first section of this legislation provides that it may be cited as the "Community Services Act of 1974".

Section 2. Statement of purpose

This section sets forth the statement of purpose (1) to establish within the Department of Health, Education, and Welfare the Community Action Administration, and (2) to eliminate poverty by providing opportunity for education and training, work and decent living conditions. This section further states the sense of Congress that it is desirable to employ the resources of the private sector of the economy to further the policy of this act.

TITLE I—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

Section 101. Statement of Purpose

This section states the basic purpose of community action agencies to stimulate a better focusing of all available resources upon the goal of enabling low-income individuals and families to attain the skills, knowledge, and motivations and secure the opportunities needed to become self-sufficient. Specific purposes are (1) strengthening the capabilities of communities to plan and coordinate assistance related to the elimination of poverty, so that such assistance can be made more responsible to the local needs and conditions; (2) improving the organization, efficiency, and effectiveness of services related to helping the poor to overcome particular problems in a way which considers and supports their progress in overcoming related problems; (3) increasing the use of new types of services and innovative approaches to develop increasingly effective methods to attack the causes of poverty; (4)

Section 753. Research and Demonstration, Evaluation, and Technical Assistance Activities

This section authorizes the Secretary, by contract or grant to provide for pilot or demonstration programs, program evaluation and technical assistance and training in furtherance of the purposes of this part.

Section 754. Advance Funding

This section provides for advance funding in order to afford adequate notice of funding available under this part.

Section 755. General Provisions

This section generally provides that grantees should make maximum employment opportunities available to parents of program participants and to community residents; provides for adequate notice and fair hearings prior to suspension of grants.

TITLE VIII—NATIVE AMERICANS

Section 801

This section would provide that this title may be cited as the "Native American Program Extension Act of 1974".

Section 802. Statement of Purpose

This section provides that the purpose of this title is to promote the goal of enabling American Indians and Alaskan Natives to become fully self-sufficient.

Section 803. Financial Assistance for Native American Projects

This section authorizes the Secretary of Health, Education, and Welfare to provide financial assistance to public and nonprofit private agencies for projects pertaining to the purposes of this title. Federal assistance would be equal to 80 percent of the cost of an assisted project, unless a higher percentage was authorized by the Secretary. Federal assistance could not be used to replace programs previously funded without Federal assistance, except as authorized by the Secretary.

Section 812. Technical Assistance and Training

This section authorizes the Secretary to provide technical assistance and training in connection with the provision of financial assistance under this title.

Section 813. Research and Demonstration Projects

This section authorizes the Secretary to support pilot, demonstration, and research projects pertaining to the purposes of this title.

Section 814. Announcement of Research or Demonstration Contracts

This section requires the public announcement of information relating to research and demonstration projects, except in certain circumstances.

Section 815. Submission of Plans to State and Local Officials

This section requires that the governing body of an Indian reservation or Alaskan Native village must be given the opportunity to approve any project under section 811 or pilot or demonstration project under section 813 to be carried out on the reservation or in the

village. The bill would require that State and local officials be notified of any project under section 811 or pilot or demonstration project under section 813 to be carried out in their jurisdictions, other than on an Indian reservation or in an Alaskan Native village.

Section 816. Records and Audit

This section authorizes the Secretary to prescribe record-keeping requirements for agencies receiving assistance under this part and would provide for access to the records and books of any such agency.

Section 817. Appeals, Notice, and Hearing

This section imposes notice and hearing requirements in connection with the suspension or termination of assistance, or the denial of refunding, under section 811.

Section 818. Evaluation

This section requires the Secretary to provide for the continuing evaluation of projects assisted under this part.

Section 819. Labor Standards

This section makes the Davis-Bacon Act applicable to construction activities assisted under this part.

Section 820. Criminal Provisions

This section prescribes criminal penalties for embezzlement, theft, fraud, and bribery related to projects assisted under this part.

Section 821. Delegation of Authority

This section authorizes the Secretary to delegate his duties and authorities under this part to other Federal agencies.

Section 822. Definitions

This section contains definitions of terms used in this part.

Section 823. Authorization of Appropriations

This section authorizes the appropriation of such sums as are necessary to carry out this part for fiscal year 1975.

TITLE IX—COMPREHENSIVE HEALTH SERVICES

Section 901. Comprehensive Health Services

This section directs the Secretary of HEW to establish a Comprehensive Health Services program which would develop health services in those areas of poverty in which existing health services are inadequate; assure that these services are available to, responsive to and involve low income persons; subject to certain financial conditions. This section also provides for programs to assist public and private agencies in the training of personnel for the delivery of health services to the poor.

TITLE X—HUMAN SERVICES POLICY RESEARCH

Section 1001. Short Title

This section provides that this title may be cited as the "Human Services Policy Research Act of 1974."

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ISSUE

Should direct funding to Indian tribes be extended to the social services block grant program? Where should Indian block grant programs be housed?

DISCUSSION

On August 13, 1981, the President signed the Omnibus Budget Reconciliation Act of 1981, sweeping new legislation designed to reduce the cost of government and to return responsibilities and funding to States. The Act consolidated dozens of categorical programs into nine block grants, seven in the Department of Health and Human Services, one in the Department of Education and one in the Department of Housing and Urban Development. (The education block continued Title I elementary and secondary programs for disadvantaged students, including Indian children, and consolidated 28 other education programs. HUD's community development program has always been a block grant. In 1978, funding for Indian tribes was made available under a separate competitive program.)

This discussion focuses on the seven blocks in the Department of Health and Human Services: four blocks in the Public Health Service, as well as low income energy assistance, community services and social services. The latter block is the \$2.4 billion Title XX program. The Act made tribes and tribal organizations eligible for direct funding at the option

of the Secretary at tribal request in five blocks. The two exceptions are maternal and child health and the social services blocks. In September, the Secretary directed that all eligible tribes and organizations that requested and applied would receive direct funding. Under interim regulations published on October 1, 1981, funding to tribes would occur only at the time the State implemented the block. Regulations published on July 6, 1982, however, provide for direct funding to tribes without regard to when the State begins implementation. This direct funding decision of the Secretary upholds the concept of tribal sovereignty and furthers the government-to-government relationship.

The effect of the legislation and the Secretary's decision with regard to the health blocks was simply to "grandfather" in only a limited number of Federally-recognized tribes or tribal organizations which were already receiving funding under the former categorical programs. However, to date 126 Federally or State recognized tribes or organizations have requested and received funding under the low income energy block: 91 under the community services block. Generally speaking, there has been very little resistance from the States with regard to direct funding to tribes under these blocks. Tribes have the option, of course, of working out arrangements with the State rather than electing to receive direct funding. Direct funding provisions are also included in the proposed Child Welfare Block Grant.

The next logical step is to consider direct funding to tribes under the maternal and child health block and the social services block. State health services are required to implement the maternal and child health block. This block, unlike the other health blocks, had no tribal grantees in the previous categorical program. There are no tribes to "grandfather" in. Because of the existence of the Indian Health Service, it is unlikely that Congress would open this block, or any of the health blocks, to tribes on the same basis as States. Seeking direct funding in the remaining health block, then, would bring no benefit.

(Amended legislation sent to the Congress by OMB and the Secretary would add two food programs -- the Special Supplemental Food Program for Women, Infants and Children and the Commodity Supplemental Food Program -- currently administered by Agriculture to the maternal and child health block. Tribes would be "grandfathered" in under the food programs only.)

This leaves the \$2.4 billion social service block.

During the campaign, the President stated that tribal governments must play the primary role in Indian affairs and that State and non-Indian local governments can at best play only a secondary role. Past delivery of many Federal Domestic Assistance programs to Indian people has often been less than satisfactory. In general, States have been reluctant to fairly apportion the program benefits to reservation Indians and to recognize the tribal responsibility for delivery of

services to their people. These practices, plus the precedent recently established by direct funding under five of the blocks and proposed in additional blocks, argue for the extension of the direct funding principle to the social services block. It is also appropriate to consider where Indian blocks should be housed and monitored.

Direct Funding Options

Option I: Seek an amendment to make Federally-recognized tribes eligible for direct funding under the social services block grant program.

Discussion: This option is proposed for Federally-recognized tribes only. Legislation should make clear that State-recognized tribes would be eligible under the States' block grant awards.

Pros:

- o This would be a logical extension of an existing policy and would further the government-to-government relationship. Direct funding is fully compatible with the President's policy of New Federalism. Direct funding would open the door for Indian tribal governments to participate as full partners under the New Federalism at a time when details for implementation are still being worked out.

- o Making tribes eligible can be accomplished at no cost and with no additional responsibility to the Federal government.
- o Direct funding fosters self-determination and tribal responsibility. Tribal governments know best the needs of their members and how to meet those needs.
- o Direct funding would provide maximum tribal control and flexibility in service delivery over many service areas covered by Title XX.
- o In the past many States have not demonstrated equity in administering service programs. Direct funding would rectify some of these problems.
- o Under Title XX demonstration projects, more than 30 tribes have already demonstrated their ability to operate social service programs which meet the needs of their members.
- o Several States, including Arizona, North Dakota and South Dakota, have recommended direct funding of Indian tribes under Title XX.
- o Direct funding under the social service block already has the support of the Secretary.

Cons:

- o States may resist losing part of the shrinking Title XX funds in the social service block.

Option II: Maintain the status quo: Fund only States under the social services block grant program.

Pros:

- o This option would give the States more money and keep them content.
- o No action would be necessary at the Federal level.

Cons:

- o This option is not consistent with the government-to-government relationship or with the precedents already established in block grant funding. It does not implement the President's policy of returning responsibility and resources to the governments which are closest to the people served.
- o Tribes would be left to work out service arrangements with the States. Given the past history of service inequities to Indian people under previous State-administered programs, many tribes would have limited success in securing needed services.

- o Tribes would not have the opportunity to participate in the block grant program which has the largest appropriation and which would provide the greatest flexibility to tribes in meeting needs.

Recommendation: Option I: Direct funding provision in the social services block.

Administrative Options

Option I: Transfer all Department of Health and Human Services Indian blocks, current and future, to the Bureau of Indian Affairs for administration and monitoring.

Pros:

- o The BIA would be able to assist tribes in management of general tribal financial affairs, including block grant management.
- o Such a transfer would presumably be more efficient, since authority to transfer would likely include authority to consolidate blocks, a situation which would provide considerable flexibility to tribes in meeting needs.
- o Transfer would house the blocks in the agency which has the largest responsibility for Indian Affairs.

Cons:

- o Transfer would impede, not further, the government-to-government relationship which is the responsibility of all Federal agencies. Such a transfer would negate previous advances in the government-to-government relationship by segregating Indian set-asides from the routine flow of money.
- o Block grant awards are streamlined processes with few Federal regulations apart from accountability for certain specifics in the law. There is no advantage in moving the funds away from the Department which specializes in health and human services and which is already making awards to the States.
- o Transfer would require considerable change in legislative authority.
- o Involving BIA would add more responsibility and work to an already large Indian agency.
- o There would likely be considerable opposition from tribes to increasing the BIA role, as well as the possibility of a strong negative reaction from the Congress.

Option II: Retain current and future Indian blocks in the Department of Health and Human Services.

Pros:

- o This option recognizes and furthers the government-to-government relationship by treating tribes the same as States in the block grant process.
- o Retention of the blocks in DHHS would require no additional Federal role since the Department is already administering blocks to the States. DHHS already has experience in direct funding to tribes under the blocks, and has been able to carry out this role without increasing staff.
- o Retention in the Department would not preclude the BIA's assistance to tribes in managing general tribal financial affairs, since the agency has this role anyway.
- o This option would not preclude the Department's seeking authority to consolidate block grant awards to provide greater flexibility to tribes and to reduce duplicative management reporting requirements.

Cons:

- o This option has the appearance of being less efficient in administration and less flexible and more burdensome

to tribes because awards, as currently implemented,
are spread over several areas.

Recommendation:

DISCUSSION POINT

The Washington Department of Fisheries and private user groups have repeatedly violated federally protected reserved rights. "The state's extraordinary machinations in resisting the decree (that protected Indian treaty rights) have forced the district courts to take over a large share of the management of the State's fishery in order to enforce its decree. Except for some desegregation cases . . . the district court has faced the most concerted official and private efforts to frustrate a decree of a federal court witnessed this century." Puget Sound Gillnetters Assoc. v. District Court, 573 F. 2nd 1123, 1126, (9th Cir. 1978) It is unlikely that either the state or private user group commissioners to the IPSFC will adequately protect the federally protected interests of the treaty tribes.

Issue Paper

Issue: Should one of the United States Commissioners to the International Pacific Salmon Fisheries Commission be selected from Indian tribes with reserved and federally protected fishing rights to harvest up to 50% of the United States share of the sockeye and pink salmon that are regulated by the Commission (IPSFC)?

Background: In 1937 the United States and Canada agreed to a convention for the protection, preservation, and extension of the sock-eye salmon fishery of the Fraser River system. (50 Stat.1355) In 1957 the convention was amended by protocol to include pink salmon as well as sockeye. (8 U.S.T. 1058) The convention established the commission consisting of three American and three Canadian commissioners authorized to supervise the fishery and implement the convention's twin goals: sufficient escapement of salmon to assure perpetuation of the race and an equal division of the harvestable catch between Canadian and American fishermen. The convention has been fully implemented by domestic legislation (16 U.S.C. 776, et seq.) The President designated the National Marine Fisheries Service to enforce the convention.

The three United States commissioners are selected by and serve at the pleasure of the President. Currently the United States commissioners are: Bert Larkins, Regional Director of the National Marine Fisheries Service, Rowland Schmitt, Director of the Washington Department of Fisheries; and William G. Saletic, executive with the Peter Pan Seafoods, Inc. None of the United States commissioners is responsible to or charged expressly with the duty of ensuring that Indian treaty rights are effectively implemented by the IPSFC.

Indian tribes in the Pacific Northwest have treaty fishing rights which provide them the right to harvest up to 50% of the United States share of the returning sockeye and pink salmon regulated by the IPSFC. This right has been affirmed by the United States Supreme Court. The treaty also reserved to tribes significant management responsibilities to act in concert with state and federal agencies to protect the resource. These management responsibilities have been recognized by federal courts and the United States has provided both financial and technical assistance to assist and develop tribal management capability.

Pursuant to Article VI of the Convention, the United States through the Department of state has since 1977 exempted Indian fishing from direct IPSFC jurisdiction so long as the Indians fish pursuant to Interior Department regulations. Treaty Indian fishing for sockeye and pink salmon otherwise under the jurisdiction of the IPSFC has been by the Department of the Interior and by tribal regulation consistent with Interior regulations. The Interior regulations are prepared in consultation with the Department of Commerce in accordance with a Memorandum of Understanding executed between the two Departments. This procedure has not violated United States obligations to Canada and has provided tribes with fishing opportunity consistent with their reserved treaty rights. It could be possible to return authority over Indian treaty fishing to the IPSFC if that body regulated the fishery in a manner which adequately implemented Indian treaty rights. Adequate implementation of Indian treaty fishing rights by the IPSFC would appear to be more likely if one of the United States commissioners were a tribal representative.

- Pros:
1. The tribes own the single largest interest in the fishery in the United States. Tribes that have treaty protected rights to harvest up to 50% of the United States share of the harvestable surplus would obtain fair representation on that body charged with regulating the fishery.
 2. While the tribes are governmental units they are the only such presence representing the full spectrum of United States interests on the fishery, and they represent these interests from the Federal perspective better than any other, including NMFS. We would expect that broad based support for tribal representatives would be there from the entire industry. They know the tribes will represent United States interests.
 3. A tribal commissioner would be more compatible with the participation of the Washington Department of Fisheries and the National Marine Fisheries Service, as like those agencies, tribes are governmental rather than proprietary, charged with representing broad segments of the population for enforcing specific federal law and policy.

3. A tribal commissioner would make it more likely that direct federal involvement to implement Indian treaty fishing rights would be unnecessary thus reducing the federal role and related expenses.
4. A tribal commissioner is consistent with federal policy implementing the Magnuson Fishery Conservation and Management Act. A tribal representative is a voting member of the Pacific Fishery Management Council, the body that proposes regulations on ocean salmon fishing off the coasts of Washington, Oregon, and California.

- Cons:
1. Tribal representation would disrupt the existing power structure and interpersonal relationships that are present in the management of the fishery.
 2. Non-treaty fishing interests who now have both a state and private representative on the IPSFC would likely object to the loss of either.
 3. The state and user groups consistently fail to acknowledge the status of tribes as governments, preferring to classify them as "just another user group."
 4. Canada may resent stronger recognition of United States Indian treaty rights because that might inadvertently put more pressure on the Canadian government with respect to its internal policies regarding fishing by Canadian Indians.