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LEGISLATION

S. 1017 - Indian Self-determination

2-21-73

Senate

By Mr. JACKSON (for himself and Mr. ABOUREZK):

S. 1017. A bill to promote maximum Indian participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and to encourage the development of the human resources of the Indian people; to establish and carry out a national Indian education program; to encourage the establishment of local Indian school control; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIAN SELF-DETERMINATION AND EDUCATIONAL REFORM ACT OF 1973

Mr. JACKSON. Mr. President, I introduce for myself and the junior Senator from South Dakota (Mr. ABOUREZK) for appropriate reference the "Indian Self-determination and Educational Reform Act of 1973." The measure will accomplish two major objectives for the benefit of Indian people. First, the bill will add a realistic dimension to the contemporary promises of "self-determination" for the Indian people. Second, the bill will bring about a much needed reform of our Government's responsibility for providing financial assistance to certain Indian children enrolled in public school districts throughout the Nation and will authorize new programs and funds to enhance the educational opportunities for Indian youth and adults.

As a consequence of the trust responsibility and an enduring historical-legal relationship with the United States, Indian people have undoubtedly received more special Federal assistance through various social and economic efforts than any other group of citizens in this country. Yet, when we examine the results of these endeavors, we find that the socioeconomic condition of the Indians continues to stand out in stark, shameful contrast when compared to the non-Indian population. Admittedly, many of these Federal efforts have not been sufficiently funded to mount a frontal assault on the social and economic ills that continue to hold the Indians in the chronic grip of poverty.

Moreover, any realistic review of past as well as current Federal efforts to improve the well-being of Indian people, with minor exceptions, will reveal two basic shortcomings:

First. The direct Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service have been planned, implemented, and administered almost entirely by Federal officials with little Indian involvement and participation.

Second. Indian people have been given only token opportunities to influence the delivery of State and local services to their communities even though such services may have been heavily subsidized by Federal funding.

These circumstances have had a two-fold negative impact upon the Indian people and their communities. First, it has deprived the Indians of perhaps the best opportunity to develop administrative, business, and community leadership skills absolutely crucial to the realization of self-government. Second, it has denied to the Indian people an effective voice in the planning and tailoring of programs and services to meet the real, felt needs of their communities.

Because tribal governments and Indian people have been relegated to passive consumers of various Federal, State, and local programs, such programs have achieved only marginal results over the years and, regrettably, have fallen far short of achieving highly desirable goals and objectives.

Despite the continuing Federal domination of Indian affairs, the Indian people have never surrendered their desire to control their relationships, both among themselves and with outside forces. This desire has been eloquently stated by spokesmen for numerous Indian tribes and organizations as it was once expressed in our Declaration of Independence. In short, the Indian people want to become genuinely involved in the forces, decisions, and activities which affect their individual lives, families, and community well-being.

I believe it is long past time for the Congress to respond to these legitimate desires by "restoring" certain rights and prerogatives to the Indian people which will afford them greater opportunities for genuine self-determination and control over the direct Federal Indian service programs. In addition, this response must extend to those programs; that is, education, which are conducted through local governments and institutions with Federal subsidy.

The proposed legislation will neither surrender nor absolve the United States of its responsibilities to the Indian people, but will invite them to share the task of determining how these responsibilities may best be fulfilled.

The bill I introduce today is a response to such requests by the Indian people for a greater voice over their own destiny. My proposed measure would provide the statutory authority to assist Indians in the implementation of a realistic Indian self-determination policy. In addition, the educational reform provisions of the bill provide several new programs and financial resources designed to enhance education opportunities for Indian youth and adults to enable them to assume more responsible leadership roles as self-determination gains momentum in Indian communities.

TITLE I

Title I of the proposed measure would authorize the Secretaries of the Interior and Health, Education, and Welfare, upon the requests of Indian tribes, to enter into contracts with tribal organizations so that these organizations may plan, conduct, and administer projects under a number of Federal Indian service programs which are within the jurisdiction of the respective Departments. In addition, it would provide grants to Indian tribal organizations for planning, training, evaluation, and other activities specifically designed to make it possible for such organizations to enter into these self-determination contracts.

Authorized, as well, would be the detail of personnel—including commissioned officers of the Public Health Service—from the two Departments to assist the tribal organizations to fulfill their contract or grant responsibilities. Finally certain Federal contracting requirements which have, in the past, proven to be particularly onerous to Indians attempting to enter into contracts with the governments could be waived by the respective Secretaries at their discretion.

Mr. President, I am pleased to remind my colleagues in the Senate that the provisions of title I of this measure were previously endorsed by the Indian peo-

ple when it appeared as S. 3157, the Indian Self-Determination Act of 1973, in the 92d Congress. During the previous Congress, the administration transmitted several bills designed to implement their Indian self-determination policy. The former ranking minority member of the Committee on Interior and Insular Affairs, Senator Gordon Allott and I sponsored S. 3157 as an alternative to the administration's legislative package on this subject. During hearings on all of these measures, spokesmen for the major Indian organizations expressed a preference for S. 3157 over the administration's proposals. In addition, administration officials testified that enactment of S. 3157 would be of assistance to them in achieving their objectives in the Indian field.

On June 28, 1972, the committee ordered S. 3157 favorably reported to the Senate; the measure was approved by the Senate on August 2, 1972; and was referred to the House of Representatives. The House failed to consider S. 3157 during the 92d Congress and the measure died at the conclusion of that Congress.

TITLE II

Title II of the legislation I am introducing is aimed at providing better Federal assistance to local public schools in fulfilling their responsibility to education, eliminating defects in the existing Federal assistance for Indian education in public schools, and creating new programs and resources to better carry out the Federal Government's responsibility for Indian education, whether it be in public schools or in federally administered schools. Central to title II, as in title I, is the assurance that the Indian tribes and people will have the greatest opportunity to shape these efforts and to share in the administration of the programs and services.

Title II of the bill has five parts providing programs in the field of Indian education.

Part A is, in effect, a substitution for the educational contracting authority contained in the Johnson-O'Malley Act of 1934 (48 Stat. 596), as amended. It provides a formula for contracts between the Secretary of the Interior and States or Indian tribes to assist local school districts in educating Indian children; defines the responsibility of local school districts in Indian education; and delineates the educational services for which the funds provided in the act may be used. Authorized appropriations for part A will not be substantially greater than the current appropriations for Johnson-O'Malley.

Part B is directed toward preparing better qualified personnel, professional, and subprofessional, to serve Indian children in public, private, and Federal schools and to increase the qualifications of existing personnel. It authorizes grants or contracts for institutions of higher education and public and private nonprofit organizations for such training purposes. Indians are given a preference for such training; \$10 million is authorized for the first fiscal year and \$15 million for each of the next 2 fiscal years.

Part C authorizes Federal assistance in the construction, acquisition, and renovation of school facilities in public school systems which serve Indians on or near Indian reservations. Certain standards are set in this regard, including a requirement that the Indian tribe or tribes affected will be consulted by the Secretary. The authorized appropriation for part C is \$30 million for each of the first 3 fiscal years and such sums as necessary for each fiscal year thereafter.