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Handbook to Federal Responsibility to Indian Communities in Areas of Environmental Protection and Individual Health and Safety

LaDonna Harris

Americans for Indian Opportunity (AIO)

Maggie Gover

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Handbook of Federal Responsibility

To Indian Communities In Areas Of Environmental Protection & Individual Health & Safety



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December - 1981

HANDBOOK OF FEDERAL RESPONSIBILITY

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INTRODUCTION

This Handbook is the product of research performed at AIO on the roles of government agencies charged with the responsibility for various aspects of environmental protection and individual safety. Our objectives included an effort to increase the awareness of Indian tribal decisionmakers of the environmental health impacts of development activities, the need in planning for protection from these impacts, and where federal assistance could be obtained for such efforts. We have attempted to identify federal laws and regulations which deal with environmental health and protection, the roles and responsibilities of the different agencies, and how each may have an impact on the Indian community. Our objectives also included an effort to increase the awareness of the government agencies who have been charged with these responsibilities so that they might facilitate their cooperation with the Indian community in designing holistic approaches to addressing these concerns. The Handbook does not purport to be comprehensive. Rather, it provides a summary of the agencies in a way we hope will be helpful to tribes facing development decisions and who need to know the federal government's role in environmental and health protection.

The basic research for the Handbook was done between November 1979 and June 1980. In the interim a change in Administration has occurred with accompanying changes in the federal structure. We have attempted to incorporate as many of these changes which have occurred since that time. Our attempts have included communications with numerous federal representatives who have attended our seminars and have become interested in our efforts to provide this information to the Indian community. We have also worked with other friends who have years of experience in the federal government and Indian affairs. We have asked for review of our work from each Agency Director and Domestic Departmental Secretary included in the Handbook. We also contacted the Chairman of the Board of Directors of the Tennessee Valley Authority for input on the TVA section. Some responses were very complete, often reviewing each line and word usage, others were not. We have included their suggestions and have tried, from those who did respond, to present as complete a picture as possible on each.

We realize that changes will still occur. The Administration's efforts to balance the Federal budget, and cut federal spending are still having their effects on each agency and department. Many agencies have received substantial budgetary cuts, and their abilities to carry out their responsibilities to the Nation and the tax-payers have been diminished. In many cases these agencies are still charged with the same Congressional mandates as they were before the cuts, but may find themselves unable to carry out these responsibilities with limited staff and budget. For other agencies, such as the Department of Energy and the Environmental Protection Agency, the President has indicated that there will be even more substantial changes yet to be made.

AIO believes that the Trust responsibility between Indian tribes and the Federal government is not only vested in the Bureau of Indian Affairs, Department of the Interior, but in the Congress and every Federal agency and every regional and area office of every Federal agency. Indians have a special relationship with the Federal government. A relationship established in history and law by treaties, Congressional mandate, Executive Orders, and Supreme Court decisions. The tribes know, and AIO knows, that in the past, many Federal agencies have not lived up to their responsibilities to the Indian community. However, their participation in and funding of this project is an indication that they are trying.

The trend toward relaxing the Federal government's role in the protection of environment and health areas in favor of local government regulation is of special concern to those Indian tribes facing future development. It can be a very favorable move for the Indian community for those tribes who are ready and able to assume those responsibilities. Or it could mean that Indians are left with no protection mechanisms in place. Federal agencies have a trust responsibility to ensure the protection of Indian tribal lands, air, water, and individual health and safety from the adverse impacts of development on or near Indian lands. President Reagan has stated:

"At the outset, let me say that I fully respect the unique trust relationship between the U.S. government and the federally-recognized Indian tribes . . . My Administration would be opposed to the abrogation of Indian treaties and the termination of the unique relationship between the Federal government and the Indian tribes.

"The policy of 'termination' has been greatly discredited as morally and legally unacceptable and, in practical social and economic terms, devastating.

"I stated earlier that because I believe in the rule of law, I support respect for and adherence to existing Indian treaties. The provisions of many Indian treaties are still valid law and impose duties and responsibilities on both Indian governments and the U.S. government today. The support and fulfillment of Indian treaties is bound up with the honor and integrity of the United States. The U.S. should keep its pledged word to any nation, great or small. My Administration would not recommend that termination be revitalized or resurrected."

With these assurances in mind, we are confident that Indian tribal governments can expect the continued support and protection of the Federal government.

President Reagan has also said:

"The traditional relationship between the United States and Indian governments is a 'government-to-government relationship.' History tells us that the only effective way for Indian reservations, and Indian communities to develop is with local Indian leadership. Bearing in mind the legal and historical background, tribal governments must play the primary role in Indian affairs. State and non-Indian local governments can at best play only a secondary role."

It seems to us that this places the responsibility for protection of tribal people and their environments directly on the backs of tribal decisionmakers and their trustee, the Federal government - exactly where it ought to be. While we must work with our non-Indian neighbors in our mutual best interests, we cannot depend on them to do our jobs for us.

In order for Indian tribes to make serious and far-reaching decisions for the future of their people and the land, adequate information is essential. It is our hope that this Handbook will aid Indian tribal decisionmakers who find themselves in this process.

Indian people not only have a special relationship with the Federal government, but also with the environment. The land, the air, the water, the wildlife, the river and sealife, and the plantlife - all are important to Indian people, not only for esthetic values but also for religious reasons. Indian lands have diminished to a fraction of what they originally were, and these remaining reservations are the only ones for the future. The quality of this environment then, is extremely important. Indian people cannot sell their lands once they have become polluted and move elsewhere. The importance of the environment cannot be thought of in terms of singular issues and actions, but rather as a "whole." This "whole" defines Indian people. Consequently, separation of one ingredient; culture, religion, environment, and development cannot be successfully achieved without adversely affecting reservation and community life.

It is the primary objective of this project that Indian tribes develop their own systems for incorporating environmental and health concerns in all their decisionmaking processes. In doing so, Indian tribes will be protecting and preserving their own communities and people so that Indian grandchildren will have the experience of living with Mother Earth. Indian people, in this process, will also be contributing to the well-being of the Nation and the world. History has shown us that Indian tribes and people have survived past devastating actions. It is our belief that, with help from friends, Indian people will survive and flourish into the 21st century and beyond.

With these assurances in mind, we are confident that Indian tribal governments can expect the continued support and protection of the Federal government.

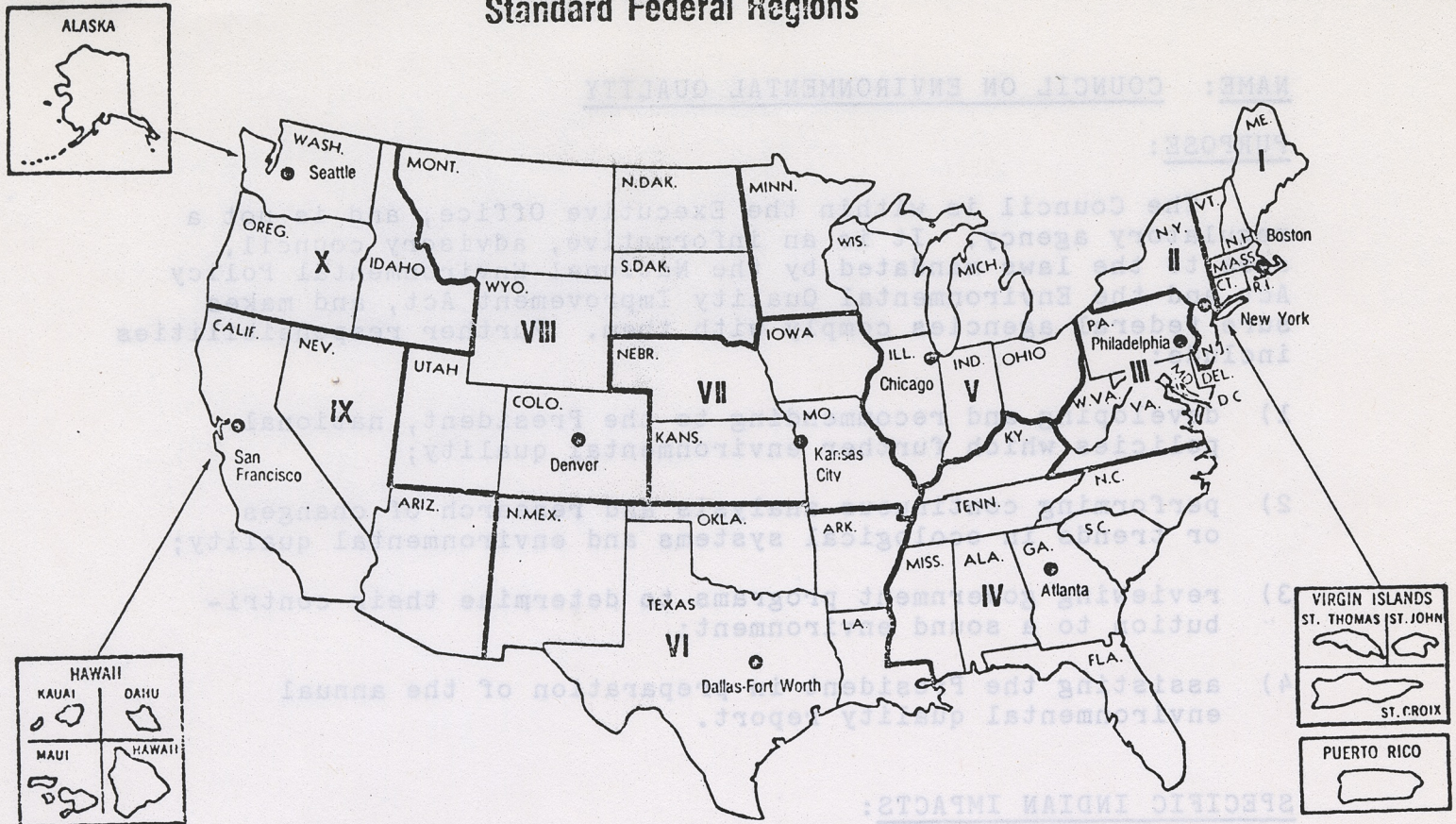
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Standard Federal Regions



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: COUNCIL ON ENVIRONMENTAL QUALITY

PURPOSE:

The Council is within the Executive Office, and is not a regulatory agency. It is an informative, advisory council, sees to the laws mandated by the National Environmental Policy Act and the Environmental Quality Improvement Act, and makes sure federal agencies comply with them. Further responsibilities include:

- 1) developing and recommending to the President, national policies which further environmental quality;
- 2) performing continuous analysis and research of changes or trends in ecological systems and environmental quality;
- 3) reviewing government programs to determine their contribution to a sound environment;
- 4) assisting the President in preparation of the annual environmental quality report.

SPECIFIC INDIAN IMPACTS:

One of the most important changes in the NEPA regulations in 1979 was the clarification and inclusion of the Indian tribal role in the environmental impact statement process. The regulations specifically state that when a federal agency writes an EIS, they must first consult with any Indian tribes affected; include them in the "Scoping Process"; and request the comments of Indian tribes when the effects may be on or near their reservation.

Of course, problems develop when the regulations are actually put into effect. Because they are lacking enforcement procedures, agencies can be and have been lax when consulting with Indian tribes. Correcting, fining, or even halting federal agencies who neglect to consult with tribes when a major project is planned near a reservation, is not written within the regulations, nor is it within the Council's power to alleviate the problem.

INDIAN SET ASIDE MONEY: *

None.

INDIAN POLICY: *

None.

*No response received to our letter of inquiry dated March 11, 1981.

HISTORY:

CEQ was given responsibility for being dedicated to a sound environment through Executive Order #11514, (35 FR 46), issued on March 7, 1970. The Executive Order, which also called for a new National Environmental Policy Act, called for the Council to write up guidelines for the preparation of environmental impact statements (EIS's).

In 1970, the President signed into law CEQ's first set of regulations, called the NEPA regulations. In 1973, the CEQ revised the guidelines, which were in effect until 1979. President Carter issued Executive Order #11991 (42 FR 101), on May 24, 1977, which directed the CEQ to issue newer regulations. These newer regulations were passed into law on July 30, 1979, and are binding on all Federal agencies.

CREATION:

The first of the environmental laws of the 1970's, CEQ was established by the National Environmental Policy Act of 1969, (P.L. 91-190, 83 Stat. 852), and signed into law on January 1, 1970 by President Richard M. Nixon.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Environmental Quality Improvement Act of 1970, (P.L. 91-224, 42 U.S.C. 4371-4374). Purpose is to assure that each Federal department conducting or supporting public works activities which affect the environment shall implement the policies established under the law.

National Oil and Hazardous Substances Contingency Plan, (40 C.F.R. 1510, as amended March 26, 1976). By Executive Order #11735, August 1973, the CEQ received responsibility to revise the NOHSCP. The new regulations have been revised and are now in effect. CEQ received no new regulatory authority; they merely re-wrote the old regulations.

Environmental Effects Abroad of Major Federal Actions, Executive Order #12114, (44 F.R. 1957), January 9, 1979. Section 21 of the Order provides that every federal agency taking major actions having significant effects on the environment outside the borders of the United States, shall have in effect procedures for consulting with the CEQ and the Department of State before putting their implementing procedures into effect, (by January 4, 1979).

CURRENT PROGRAMS:National Environmental Policy Act of 1969

This law contains two titles. Title I contains four major parts, and only one is the requirement for an environmental impact statement. This, Section 102(2)(C), states,

"...all federal agencies must include in every recommendation on proposals for...major federal actions significantly affecting the quality of human environment, a detailed statement...on....

- 1) the environmental impact of the proposed action;
- 2) any adverse environmental effects which cannot be avoided;
- 3) alternatives to the action;
- 4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- 5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented."

NEPA Regulations, (43 F.R. 55978-56007, 40 C.F.R. 1500-1508)

I. Planning StageA. Agency evaluates proposed actions.

1. Defines actions which will not have a significant effect on the environment called "Categorical Exclusions."
2. Defines actions that do have an effect, requiring an EIS, or Environmental Assessment (EA).

a. EA's are written when an agency doesn't know beforehand whether actions will have a significant effect.

3. Agency creates a "Finding of No Significant Impact," (FONSI) from an EA, or
4. Files a notice of intent to prepare an EIS.

B. Choose lead and cooperating agencies.

C. Initiate "Scoping Process."

1. This calls for an early and open process for determining the scope of issues to be addressed and for identifying issues.

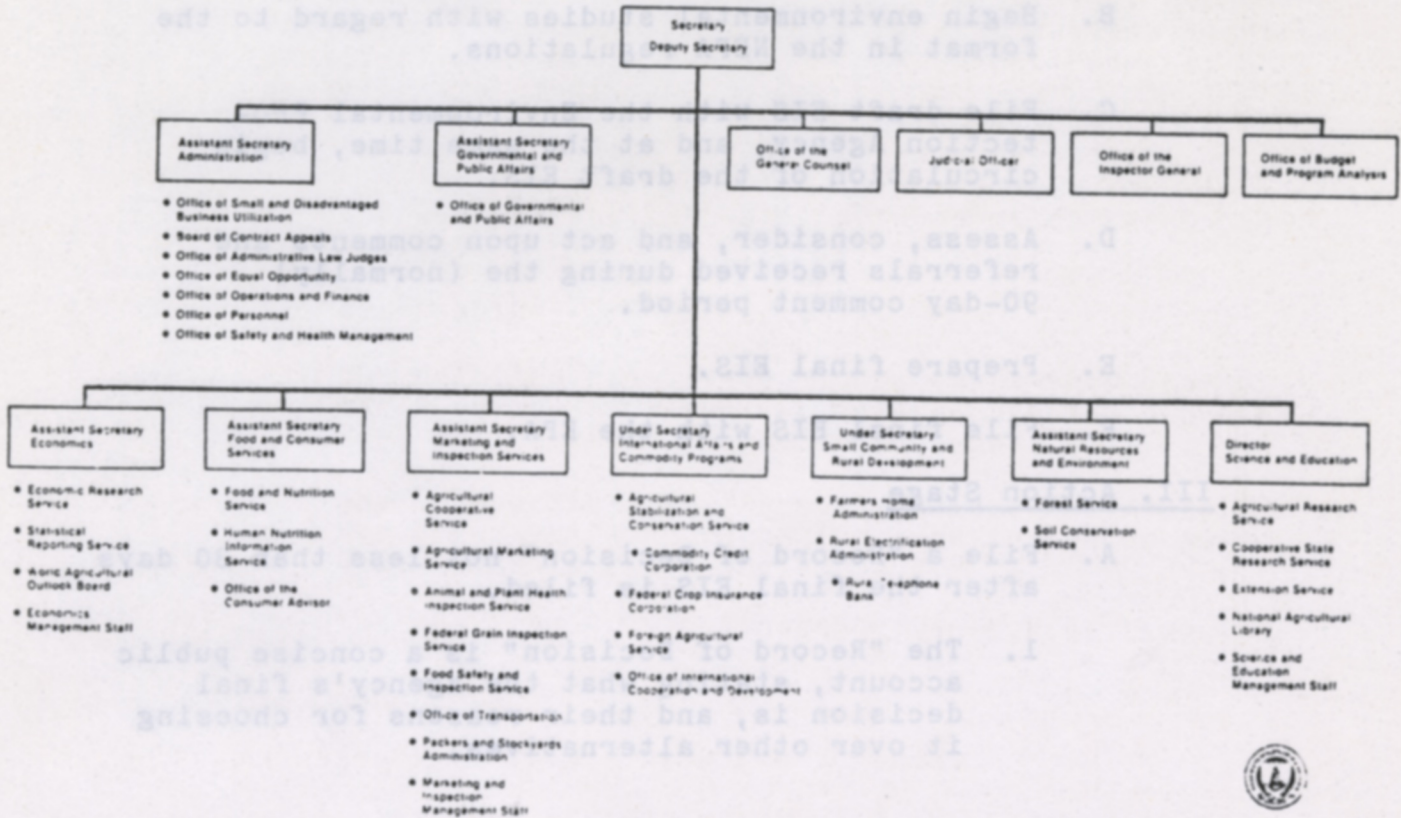
II. Writing Stage

- A. Set time limits - office manager
- B. Begin environmental studies with regard to the format in the NEPA regulations.
- C. File draft EIS with the Environmental Protection Agency, and at the same time, begin circulation of the draft EIS.
- D. Assess, consider, and act upon comments and referrals received during the (normally) 90-day comment period.
- E. Prepare final EIS.
- F. File final EIS with the EPA.

III. Action Stage

- A. File a "Record of Decision" not less than 30 days after the final EIS is filed.
 1. The "Record of Decision" is a concise public account, stating what the agency's final decision is, and their reasons for choosing it over other alternatives.

United States Department of Agriculture



Source: U.S. Department of Agriculture, July, 1981

NAME: UNITED STATES DEPARTMENT OF AGRICULTURE

PURPOSE: The USDA:

1. Works to improve and maintain farm income and to develop and expand markets abroad for agricultural products;
2. Helps to curb and cure poverty, hunger, and malnutrition;
3. Works to enhance the environment and maintain production capacity by helping landowners protect the soil, water, forests, and other natural resources;
4. Rural development, credit, and conservation programs are key resources for carrying out national growth policies;
5. Through inspection and grading services, assures standards of quality in the food supply.

SPECIFIC INDIAN IMPACTS:

A. Regulatory Programs

The regulatory functions within USDA are located in Marketing and Transportation, and Commodity Programs. Indian tribes producing commodities for consumption in the U.S. and abroad would be impacted these Federal regulations. The U.S. Forest Service is responsible for various activities relating to the management of forest lands, harvesting, processing and marketing of forest products.

B. Loans, Grants, and Credit Programs

Most of USDA's relationship to tribes consists of the programs listed on the following pages which can benefit or hinder tribes.

Indian applicants for loans, grants, and credit face, even though tribes are specifically included among the potential beneficiaries of the programs, administrative procedures that do not take into account the special political status of tribes and Indian people. The majority of these programs, especially within the Farmers Home Administration (FmHA), are written as if Indians share the same status as cities, towns, or other political subdivisions of the state. Programs are usually ambiguous as to whether Indian tribes are to be included.

Loan officers need a continuous source of loan funds in those programs being utilized on Indian lands. Traditionally, funding is insufficient to fully serve both Indian and non-Indian areas.

Personnel is sometimes insufficient in areas with large Indian populations. Job descriptions in these areas should be updated, taking in account the additional knowledge needed when working in Indian affairs.

C. Research & Development Programs

The SCS provides a number of programs for which Indian tribes are eligible including the designation of conservation districts.

INDIAN SET ASIDE MONEY:*

The Indian Land Acquisition Loan Program administered by the Farmers Home Administration has a budget of \$1.9 million for FY 1981 and \$1.9 million for FY 1982. All other USDA programs are available to Indian tribes and their members on the same basis as they are to the public at large.

INDIAN POLICY:*

None specifically, however, Agriculture Secretary Block states that, "I want to assure you of my concern that the services and programs of the Department of Agriculture are available and accessible to Indian tribes and their members as they are to the rest of the population, and that Indians are fairly treated by USDA agencies.

HISTORY:

The USDA was created in 1862 by the Organic Act and was administered by a Commissioner of Agriculture until 1889. By passage of an Act in that year, the duties and powers of the Department were enlarged. USDA was established as the eighth executive department, and the Commissioner became the Secretary of Agriculture.

CREATION:

The Organic Act, March 16, 1862 (12 Stat. 387, 5 USC 511, 514, 516), created the Department which was administered by a Commissioner of Agriculture until 1889 (12 Stat. 659, February 9, 1889).

*Taken from letter received from Secretary of Agriculture John Block, May 5, 1981.

Information regarding SCS provided by Douglas V. Sellars, Rural Development Staff, Washington, D.C., July 30, 1981.

Information regarding USFS provided by Warren A. Post, Rural Development Specialist, Washington, D.C., July 23, 1981.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Federal Housing Act of 1949, (63 Stat. 413, 42 USC 1401)

Agricultural Marketing Act of 1946, (60 Stat. 1087, 7 USC 1621, et seq.)

Consolidated Farm and Rural Development Act of 1972, (75 Stat. 307, 7 USC 1921)

Rural Development Act of 1972, (80 Stat. 855, 42 USC 1771)

Rural Development Act of 1980, (94 Stat. 1171, 7 USC 2201)

CURRENT PROGRAMS:A. Regulatory ProgramsAgricultural Marketing Service (AMS)

1. Promotes competition and fair trade practices in stockyards and packing plants.
2. Regulates labeling of fruits, vegetables, and seeds.
3. Issues marketing orders, by agreement with groups of producers, to manage the flow of commodities to the marketplace. There is no direct control over marketing.
4. Protects inventions of plant breeders.
5. Conducts a voluntary program for licensing and inspecting warehouses used to store agricultural commodities.
6. A market news service provides information on prices and demands, current supply, location, and quality.

Animal and Plant Health Inspection Service (APHIS)

1. Regulates entry of agricultural products into the U.S. by inspecting all shipments at air, sea, border, and offshore points of entry.
2. Controls and eradicates plant pests and diseases with surveys throughout the nation, through chemical sprays, introduction of natural enemies, and stabilization of males to reduce populations (pheromones).
3. Maintains animal quarantine stations.
4. Issues permits for animal importation.
5. Inspects and certifies livestock and poultry for export.
6. Requires humane handling of livestock and poultry in interstate transportation, circuses, and zoos, and those used in research or exhibitions.
7. Regulates manufacture of biological products used for animal treatment.

Federal Grain Inspection Service (FGIS)

1. Administers provisions of the Grain Standards Act of 1976 (90 Stat. 2867, 7 USC 71).
2. Authorizes personnel to make performance inspections on grain to ensure compliance.
3. Regulates weighing of all grain moved for export.
4. All individuals and companies engaged in large-scale grain export operations must register with FGIS and supply ownership and management information. Certificates granted must be renewed annually.

Food Safety and Quality Service (FSQS)

1. Regulates the meat, poultry and egg industries by inspection of products to be shipped in interstate and foreign commerce.
2. Administers laws to ensure that labeled products are truthful.
3. Acts as a purchasing agent for the Food and Nutrition Service (FNS) and is responsible for ensuring that government purchases of food are wholesome and economical.
4. Researches new methods of detecting dangerous residues in meat and poultry.

United States Forest Service (USFS)

1. Manages national forests and grasslands.
2. Regulates the use of forest resources.
3. Regulates activities of commercial foresters working in national forests.
4. Decides which parcels of federal land should be harvested and how the operation is to proceed.
5. Regulates construction of roads, homes and businesses, removal of minerals, farming, and grazing on national forests and grasslands.
6. Has cooperative arrangements with States, locals, and Indian tribes to develop techniques for fighting forest fires.
7. Provides technical advice and related assistance to individual Indian allottees and tribal enterprises to improve the management of forest lands, and the harvesting, processing, and marketing of forest products.
8. Coordinates annual surveys of insect and disease damage in public and private forests.
9. Performs research on a wide range of forest-related subjects.

B. Loans, Grants, and Credit Programs.

Rural Electrification Administration (REA)

1. Acts as lending agency for rural electrification and telephone systems.
2. Specifies eligible borrowers, terms and conditions, security and self-liquidation requirements.
3. Provides a Rural Telephone Bank, with preference to REA loans, to telephone systems meeting certain specifications.

Food and Nutrition Service (FNS)

1. Family nutrition services include: food stamps, the national school lunch, food donation, and special supplemental programs.
2. Financial management provides funds to non-profit institutions to buy food service equipment which supply: milk to school children free or at reduced prices, special nutritional training programs for food service personnel, food for special children's summer programs, and food for day-care centers and school breakfast programs.

Farmer's Home Administration (FmHA)

1. Provides credit for persons in rural areas who are unable to obtain credit from other sources through guaranteed or direct loans.
2. Regulates the terms of financial assistance.
3. Prescribes terms of loans, grants, and agreements.
4. Requires that borrowers adhere to federal regulations and guidelines.
5. Provides loans for Family Farming, Housing, Business and Industrial, and Community Credit.

Commodity Credit Corporation (CCC)

1. Wholly-owned government corporation which finances programs designed to stabilize the supply and price of farm commodities.
2. Has authority to inspect and license warehouses.
3. Empowered to make loans to farmers to construct facilities to store grains, beans, and seed.

Agricultural Stabilization and Conservation Service (ASCS)

1. Administers commodity stabilization programs which take the form of loans, purchases of commodities or direct payments, or allotments, set-asides and quotas to ensure adequate supplies.
2. Administers price-support programs if the market prices fall below target prices established by the Secretary of Agriculture at the beginning of the year.
3. In charge of land-use programs to protect, expand, and conserve farm lands, wetlands, and forests.
4. Provides funds to farmers engaged in resource conservation, grain reserve programs, tree planting, timber stand improvement, and emergency assistance for wool, dairy, and beekeeping industries.

Federal Crop Insurance Corporation (FCIC)

1. Provides crop insurance against loss from unavoidable causes.
2. Develops the most practical plan, terms and conditions of insurance for agricultural commodities.
3. Works with the Commodity Credit Corporation (CCC).

C. International Affairs Programs

Foreign Agricultural Service (FAS)

1. Gathers information about crops, production, supply and demand abroad and distributes the data to U.S. exporters.

2. Provides information about U.S. products and supplies to foreign importers.
3. Cooperates with U.S. exporters on projects to establish and expand exporting businesses.
4. Oversees agricultural aspects of trade agreements between the U.S. and other countries.
5. Represents U.S. agricultural interests extending to the General Agreement on Tariffs and Trade (GATT), as well as bilateral and regional trade arrangements.

Office of International Cooperation and Development (OICD)

1. Coordinates international organization affairs and science exchange programs.
2. Provides liaison for USDA and to a limited extent, the land-grant university systems in planning policy, international technical assistance, and greater USDA emphasis on scientific exchanges.

D. Research and Development Programs

Science and Education

1. Coordinates and plans food and agricultural research and extension efforts.
2. Administers a basic, applied, and developmental research program in all aspects of agriculture.
3. Promotes information systems and libraries in the food and agricultural sciences, including social, economic and political considerations of agriculture.

Soil Conservation Service (SCS)

1. Provides technical assistance to conservation district cooperators and landowners in the development of conservation plans and treatment.
2. Makes soil surveys to provide information on soil uses, potential and limitations for various uses. These surveys form the basis of nearly all conservation planning.
3. Operates Plant Materials Centers to assemble and test uses of certain plant species in conservation.
4. Along with ASCS, FS, and Science and Education, studies watersheds of rivers and waterways.
5. Carries out detailed flood insurance studies for the Department of Housing and Urban Development (finishing old commitments not taking any new ones).
6. Administers the great plains conservation program which provides cost share assistance for wind and water erosion control through 3 to 10 year contracts. The program is available in Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

7. Administers cost-sharing contracts with rural landowners to improve water quality by employing conservation measures on non-point source pollution areas.
8. Assists land users in reclaiming abandoned or inadequately reclaimed coal-mine lands and water, if there is no continuing reclamation responsibility on the part of the mine operator.
9. Provides rural development assistance through, the participation of SCS personnel on State and local rural development committees, interagency coordination, and the integration of SCS programs into State and local rural development plans, and activities.
10. Provides technical, and financial assistance for rural community protection, and development through the watershed protection, and flood prevention program, riverbasin studies, and investigations, the resources conservation, and development program, and the emergency watershed protection program.
11. Administers the snow survey, and waterforecasting program to find out how much water will be available annually for summer water supply.
12. Conducts a program to inventory, and monitor national renewable resources in cooperation with other Federal, State, and local agencies.

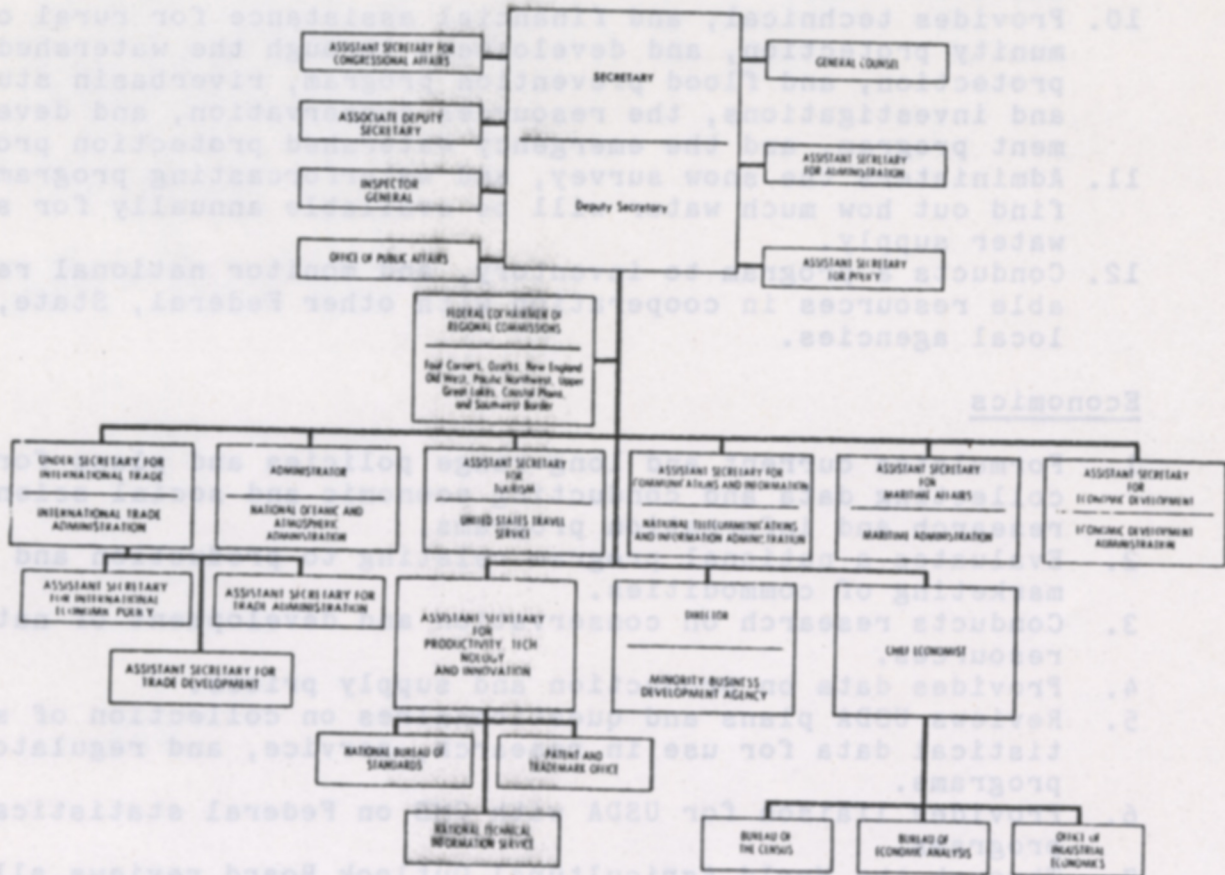
Economics

1. Formulates current and long-range policies and plans for collecting data and conducting economic and social science research and information programs.
2. Evaluates a national program relating to production and marketing of commodities.
3. Conducts research on conservation and development of natural resources.
4. Provides data on production and supply prices.
5. Reviews USDA plans and questionnaires on collection of statistical data for use in research, service, and regulatory programs.
6. Provides liaison for USDA with OMB on Federal statistical programs.
7. Through the World Agricultural Outlook Board reviews all agricultural and food data prepared in USDA for international supply and demand.

Office of Transportation (OT)

1. Responsible for USDA transportation policies for agriculture and rural development.
2. Assists in obtaining transportation facilities for agricultural products and farm supplies by making petition or complaint to the Interstate Commerce Commission, the Federal Maritime Commission, the Civil Aeronautics Board or other regulatory bodies.
3. Conducts research to improve all aspects of distribution of agricultural products between farms and consumers.

DEPARTMENT OF COMMERCE



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: U.S. DEPARTMENT OF COMMERCE

PURPOSE:

The Department of Commerce exists to foster, promote, and develop foreign and domestic commerce, mining, manufacturing, shipping, and fishing industries, labor interests, and the transportation facilities of the United States.

SPECIFIC INDIAN IMPACTS:

1. Regional Economic Development

The Public Works and Economic Development Act of 1965, (P.L. 89-136, 79 Stat. 552) established Regional Action Planning Commissions which are composed of the Governors of the States in that region and a Department of Commerce representative. The Commissions are responsible for developing and carrying out long-range overall economic development programs for their regions. According to Commerce Secretary Malcolm Baldrige, "While commission mechanisms do not officially include means for input by Indian tribes, as a matter of practice, such input has been invited by those commissions established in areas of heavy Indian concentration. Indian tribes have actively participated, where they desired to do so, in local commission activities, and commission funds have been provided for a number of tribal economic development projects within the regions. The Administration proposes to eliminate funding for the Regional Development Commissions effective with fiscal year 1982."*

2. Indian Economic Development

The Economic Development Administration (EDA) has a Special Assistant for Indian Affairs who is responsible for assisting Indian economic development. According to Commerce Secretary Baldrige, "The Administration proposes to eliminate funding for the EDA effective with fiscal year 1982. Like the regional commissions, EDA was also established under the Public Works and Economic Development Act of 1965, as amended. EDA initiated an Indian Desk in 1967, and annually set aside funds for an Indian economic development program. EDA's Special Assistant for Indian Affairs (SAIA) neither approved nor denied Indian projects; he recommended actions to be taken on such projects. Additionally, the SAIA gave Indian tribes representation at the highest agency levels, serving as policy advisor to the Assistant Secretary for Economic Development. The SAIA also represented the agency in all interdepartmental matters pertaining to Indian economic development."*

* Taken from letter received from Commerce Secretary Malcolm Baldrige, received April 27, 1981, other changes have been incorporated where necessary.

Selected EDA-Funded Projects include:

FY 1973

- Cheyenne River Sioux 21-mile waterline
- Papago Tribal Livestock Sales and Exhibit Center
- United Tribes of North Dakota Vocational Technical School
- Quinault Tribal Clam Processing Plant

FY 1975

- American Indian National Bank
- American Indian Travel Commission
- American Indian Management Institute

FY 1976

- Montana-Dakota Cattle Consortium (15 tribes)
- Menominee Tribal Sawmill

FY 1978

- CERT (Title IX Grant together with DHEW, DOE, BIA)
- Pine Ridge, South Dakota, Angler Products Co. and Wambli Archery Company
- Fort Peck Manufacturing Company
- Indian Pueblo Cultural Center (Public Works Grant)
- Santo Domingo Community Center

FY 1979

- Lower Brule Grain Storage and Drying Facility, South Dakota
- Turtle Mountain Reservation, North Dakota, Turtle Mountain Manufacturing Company
- Choctaw Reservation, Mississippi, Chahta, Inc.
- Wichita, Caddo, and Delaware Tribes of Oklahoma, W-C-D Hat Company
- Wounded Knee, South Dakota, Cornelius Enterprises, Inc.
- Yakima Reservation, Washington, Boise Cascade Corp.

3. Coastal Zone Management

Within NOAA is the Office of Coastal Zone Management, which works to "preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations." It does this by encouraging states to engage in coastal land-use planning along with local governments, and by encouraging Federal agencies engaged in coastal projects (such as offshore drilling) to abide by state, local, or regional CZM plans.

The Department of Commerce provides grants to states to do this planning. Thirty-five states and territories are eligible for federal funding for coastal zone planning, and 15 states have received federal approval of their coastal

management plans. The Amendments of 1976 provide for additional money to offset the impacts of coastal energy development on coastal States and local government.

Indian tribes and tribal lands are not mentioned in the CZM Act of 1972, or in the 1976 Amendments. The term "local governments" does not include Indian tribes. Regulations which appear in the Federal Register (Vol. 44, No. 61, March 28, 1979) do include Indian tribes. Tribal participation in coastal management programs may be supported and encouraged through a State's program provided that:

- "(1) Tribal lands are not held in trust by the Federal government or otherwise excluded from the coastal zone; and
- "(2) such efforts are compatible with a State's coastal management policies and are in furtherance of the national policies of Section 303 of the Act."

The regulations also provide for tribes to receive a portion of a State's grant provided that:

- "(i) The State certifies that such programs or projects are compatible with its approved coastal management policies; and
- "(ii) On excluded tribal lands, the State demonstrates that the tribal program or project would or could directly affect the State's coastal zone."

In the state of Washington, the Makah and Quinault tribes have developed CZM plans. Both are part of an overall Tribal Planning effort which addresses land use planning and environmental issues.

However, it is still not certain just how Indian tribes fit into this program. On the North Slope of Alaska, Alaska Natives have participated with local governments in coastal zone planning. The North Slope Borough has taken a lead role in Alaska in testing the provisions of the CZM Act. It began designing the Mid-Beaufort CZM Plan in 1976, but when it came to state approval of the local plan in January, 1980, oil industry and Alaska Department of Natural Resources opposition had become so strong that the Plan had to be withdrawn.

4. Indian Fishing

The Magnuson Fishery Conservation and Management Act provides the primary NOAA jurisdiction to implement fishery management plans for the salmon harvest. In the northwest, Indian Treaty rights, as upheld by the Boldt decision, give Treaty

tribes the right to a certain share of off-reservation salmon at all usual and accustomed grounds and stations. NOAA's National Marine Fisheries Service has cooperated with various tribes providing both training and advise in a number of areas including aquaculture, studies, and participation on boards, and advisory committees.

INDIAN SET ASIDE MONEY:*

None, although the Pribilof Island might be interpreted as such.

INDIAN POLICY:*

None.

HISTORY:

Created as the Department of Commerce and Labor in 1903; it became simply the Department of Commerce when the Labor Department was created in 1913.

In 1950, the Maritime Administration was established, and in 1981 was transferred to the Department of Transportation. In 1961 the U.S. Travel Service was formed. In 1965, the Office of Regional Development was created, along with the Economic Development Administration (EDA). In 1969, the Office of Minority Business Enterprise was added to the Department. In 1970, the National Oceanic and Atmospheric Administration (NOAA) was established; in 1972, the Office of Coastal Zone Management (CZM) was formed; and in 1977, the Office of Communications and Information was transferred to the Department from the Executive Office.

CREATION:

Created as the Department of Commerce and Labor in 1903 (32 Stat. 835, 15 USC 1501, February 14, 1903), it became simply the Department of Commerce when the Department of Labor was created in 1913 (37 Stat. 736, 15 USC 1501, March 4, 1913).

* Taken from letter received from Secretary of Commerce, Malcolm Baldrige, April 27, 1981, other suggestions have been incorporated where necessary.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Trade Mark Act, (21 Stat. 502, March 3, 1881)

Trade Mark Act of 1905, (P.L. 58-84, 33 Stat. 724 February 20, 1905)

- Includes the phrase, "owners of Trademarks used in commerce in the United States, foreign countries, or with Indian tribes."

Indian Arts and Crafts Board Act, (P.L. 74-355, 49 Stat. 891, August 27, 1935)

- Created Government trademarks of genuineness and quality for Indian products and the products of particular Indian tribes or groups.

1970 Reorganization Plan No. 4, (84 Stat. 2090)

- Created the National Oceanic and Atmospheric Administration.

Coastal Zone Management Act of 1972, (P.L. 92-583, 86 Stat. 1280, October 27, 1972)

- Created the Office of Coastal Zone Management in NOAA.
- Authorized federal assistance for State and local coastal zone planning, but does not specifically include Indian tribes.

Coastal Zone Management Amendments of 1976, (P.L. 94-370, 90 Stat. 1013, July 26, 1976)

- Provided for impact assistance grants to States and local governments to deal with impacts of coastal energy development.
- Provided for Interstate grants to study, plan, and implement unified coastal zone policies.

Trans-Alaska Pipeline Authorization Act, (P.L. 93-153, 87 Stat. 576, November 16, 1973)

Disaster Relief Act of 1974, (P.L. 93-288, 88 Stat. 143)

- Specifically mentions Indians.

Trade Act of 1974, (P.L. 93-618, 88 Stat. 1978, January 3, 1975)

- Provided trade adjustment assistance for communities adversely affected financially by foreign trade.
- Administered by EDA.

Local Public Works Capital Development and Investment Act of 1976, (P.L. 95-28, 91 Stat. 116, May 13, 1977)

- Administered by EDA
- Specifically mentions Indian tribes.

NOAA RELATED LEGISLATION:

Sponge Act, (P.L. 63-172, 38 Stat. 692, August 15, 1914)

Black Bass Act, (P.L. 69-265, 44 Stat. 576, May 20, 1926)

Fish and Wildlife Coordination Act of 1934, (48 Stat. 401, March 10, 1934)

Northern Pacific Halibut Act of 1937, (P.L. 75-169, 50 Stat. 325, June 27, 1937)

Pink Salmon Fishing Act of 1947, (P.L. 80-255, 61 Stat. 511, July 29, 1947)

Whaling Convention Act of 1949, (P.L. 81-676, 64 Stat. 421, August 9, 1950)

Tuna Conventions Act of 1950, (P.L. 81-764, 64 Stat. 777, September 7, 1950)

Northwest Atlantic Fisheries Act of 1950, (P.L. 81-845, 64 Stat. 1067, September 27, 1950)

Outer Continental Shelf Lands Act, (P.L. 83-212, 67 Stat. 462, August 7, 1953)

Outer Continental Shelf Lands Act Amendment, (P.L. 95-372, 92 Stat. 629, September 18, 1978)

Fish and Wildlife Act of 1956, (70 Stat. 1119)

North Pacific Fisheries Act of 1954, (P.L. 83-579, 68 Stat. 698, August 12, 1954)

Migratory Marine Species of Game Fish Study, (P.L. 86-359, 73 Stat. 642, September 22, 1959)

Commercial Fisheries Research and Development Act of 1964, (P.L. 88-309)

Anadromous Fish Conservation Act, (P.L. 89-304, 79 Stat. 1125, October 30, 1965)

Marine Resources and Engineering Development Act of 1966, (P.L. 89-454, 80 Stat. 203, June 17, 1966)

Contiguous Fishing Zone Act, (P.L. 89-658, 80 Stat. 908, October 14, 1966)

Fur Seal Act of 1966, (P.L. 89-702, 80 Stat. 1091, November 2, 1966)

Fishermen's Protective Act of 1967 Amendments,

Marine Mammal Protection Act of 1972, (P.L. 92-522, 86 Stat. 1027, October 21, 1972)

Endangered Species Act of 1973, (P.L. 93-205, 87 Stat. 884, December 28, 1973)

Offshore Shrimp Fisheries Act of 1973, (P.L. 93-242, 87 Stat. 1061, January 2, 1974)

Magnuson Fishery Conservation and Management Act of 1976, (P.L. 94-265, 90 Stat. 331, April 13, 1976)

- Authorized the Federal government (in cooperation with fishermen and other interested citizens) to manage most commercial and recreational fishing in a fishery conservation zone which extends generally between 3 and 200 miles off U.S. coasts.
- Established eight regional fishery management councils, which are comprised of representatives of State, Federal, and the private sector who prepare fishery management plans that indicate how specific fisheries should be managed in view of all relevant scientific, social, and economic factors. The Councils monitor and update the plans as necessary.
- Requires the management plans to contain a description of the fishery including, "... the nature and extent of ... Indian treaty fishing rights, if any."
- Reviews and implements these plans for the Secretary.

National Ocean Pollution Research and Development and Monitoring Act of 1978, (P.L. 95-273, 92 Stat. 228, May 8, 1978)

National Aquaculture Act of 1980, (P.L. 96-362)

Salmon and Steelhead Conservation and Enhancement Act of 1980, (P.L. 96-561, Title I)

- Established a cooperative program between the States of Oregon and Washington, treaty tribes, and the Federal government, one objective of the program is to "encourage stability and promote economic well being" for treaty and non-treaty fishing.

The American Fisheries Promotion Act, (P.L. 96-561, Title II)

CURRENT PROGRAMS:

1. International Trade Administration

- Promotes world trade, export development, and East-West trade.
- Regulates certain aspects of international commerce.
- Provides assistance to U.S. businesses.

2. Science and Technology

- Responsible for product standards, patents and trademarks, the National Bureau of Standards, and the National Technical Information Service.

3. Tourism

- Promotes tourism to the United States.

4. Communications and Information

- Regulates through the National Telecommunications and Information Administration.

5. National Oceanic and Atmospheric Administration (NOAA)

- Responsible for research on weather, oceans, space environments, hurricanes, the Great Lakes, etc.
- Operates the National Weather Service, the Environmental Data Service, numerous Environmental Research Laboratories, the National Ocean Survey, and the National Environmental Satellite Science Program.
- National Marine Fisheries Service.
- Environmental monitoring and prediction.
- Environmental marine resources.
- Coastal Zone Management.

6. Minority Business Development Agency

- Responsible for promoting minority business enterprise through Business Resource Centers and financial assistance programs.

7. Economic Analysis

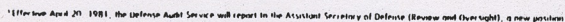
- Activities include the Bureau of the Census.
- Analysis and reporting on the condition of the nation's economy.

RELATED REGULATORY AGENCIES:Federal Maritime Commission

- Regulates ocean commerce, shipping rates, and tariffs.
- Investigates charges of discrimination in the industry.
- Requires proof of financial responsibility for the removal of oil or other hazardous materials from the waters.

CURRENT PROGRAMS:International Trade Administration

- Promotes world trade, export development, and East-West trade.
- Regulates certain aspects of international commerce.
- Provides assistance to U.S. businesses.



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF DEFENSE

PURPOSE:

The Department of Defense serves as the primary agency responsible for the protection of the Country and provides the military resources needed for such protection. The Department provides the military resources from its Departments of Army, Navy (Coast Guard in time of war) and the Marine Corps, and the Air Force.

The Secretary of Defense is directly responsible to the President of the United States, who is also the Commander in Chief of the military forces, and serves as the Presidential advisor on military matters.

The Department of the Army is responsible for military land activities: training, organization, and equipment of personnel. The Army is also responsible for the protection of certain water resources and their development through Army engineering activities.

The Department of the Air Force is responsible for providing a military organization which is trained, equipped, and able to support other military organizations by virtue of its special knowledge - air warfare.

The Department of the Navy is responsible for providing a military organization which is trained, equipped, and able to support other military organizations by virtue of its special knowledge - sea warfare. Through its Marine Corps organization, the Navy can provide additional armed personnel in support of its operations, and security for its vessels and facilities.

SPECIFIC INDIAN IMPACTS: *

One way in which the Department of Defense impacts Indian tribes is by the siting and construction of military facilities on or near reservations. This includes such projects as missile systems, bases, storage facilities, radar facilities, and various training activities. Other impacts include the various support services and systems needed for such facilities and activities (traffic, housing, increased numbers on non-Indians, water, waste, and the presence of high voltage lines). DOD must also comply with NEPA requirements, which involves the preparation of environmental documents when new activities are proposed.

The Department of the Army impacts Indian reservations through its Corps of Engineers. The U.S. Army Corps of Engineers was created in 1775 and has been in continuous existence since. In addition to its military functions the Corps has been assigned, through a long list of diverse Congressional enactments, extensive civil works responsibilities and activities. Primarily these relate to flood control; navigation improvements; shore protection; associated water supply, hydroelectric power generation and recreation developments; and preservation of natural resources generally. Benefits from the

civil works projects constructed and other programs administered by the Corps in fulfillment of its responsibilities are intended to extend to Indian tribes no less than to all other elements of society. Tribal involvement in Corps planning activities is invited through participation in public hearings and other less formal public coordination meetings.

Decentralization through delegation of authority is a basic tenet of the Corps organization and structure. Planning and project implementation efforts are carried out in geographically-dispersed separate offices, each professionally staffed and organized to serve the needs of its particular area and under the direction of a commander and district engineer. Commanders and district engineers prepare water resource studies in response to specific Congressional resolutions; conduct engineering design studies; construct civil works projects authorized by Congress; operate and maintain major water resource projects; administer the laws for protection and preservation of the navigable waters of the United States; and acquire, manage and dispose of real estate in connection with civil works functions and assigned military functions. Indian tribal lands, if they would be affected, must be specifically identified in Corps reports to Congress recommending project authorizations.

The Corps also regulates certain activities in waters of the United States. A permit is required for the discharge of dredged or fill material in all waters of the United States in accordance with the Clean Water Act. A permit is also required for work (including dredging) or structures in navigable waters of the United States in accordance with the River and Harbor Act of 1899. Many minor discharges and activities are covered by Nationwide Permits or are exempt from the Clean Water Act. Indian tribe activities are subject to Corps permits as are all other elements of society. Permitted activities could additionally potentially affect Indian lands.

The Department of the Air Force has impacts when aircraft fly over reservations. Sonic booms affect both human and animal life. A project which currently threatens tribes in Nevada and Utah is the MX missile system. This would be the biggest construction project in human history and would have potential impacts on water supply, air quality, land use, and the quality of life in that region.

The Department of the Navy impacts those coastal reservations when sea operations are conducted near the shore. This can also potentially affect the sea and wildlife.

INDIAN SET ASIDE MONEY:*

No special set aside monies for Indian tribes.

INDIAN POLICY:*

No special Indian policy other than that which is mandated by NEPA. Affected Indian tribes are invited to participate in the scoping meetings and in the review of Environmental Impact Statements. If special circumstances are identified in the EIS the department then includes this as part of the analysis process and works with the appropriate tribal representatives and other federal agencies to solve the problem.

HISTORY:

The Department of Defense was created by the National Security Act Amendments of 1949 (P.L. 81-216, 63 Stat. 578, August 10, 1949). This Act provided that all defense and military-related organizations be under the direction of a Secretary of Defense. Several of the military organizations pre-date the department to the early days of our nation's history. This includes the Department of the Army and Navy, which were created by the Continental Congress. The Department of the Air Force was created by the National Security Act of 1949.

CREATION:

National Security Act Amendments of 1949, August 10, 1949,
(P.L. 81-216, 63 Stat. 578).

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:*DEPARTMENT OF DEFENSE*

National Security Act of 1947, July 26, 1947, (P.L. 80-253,
61 Stat. 495). Established:

- Secretary of Defense and Department of Defense
- National Security Council
- Central Intelligence Agency
- National Security Resources Board
- National Military Establishment
- Department and Secretary of the Army
- Department and Secretary of the Navy (Marine Corps and Coast Guard - in time of war)

*Taken from letter received April 10, 1981 from George Marienthal, Deputy Assistant Secretary of Defense (Energy, Environment & Safety). Other suggestions have been incorporated where necessary.

Information regarding Corps of Engineers provided by Major General E.R. Heiberg, III, USA, Director of Civil Works, July 20, 1981.

- Department and Secretary of the Air Force
- War Council
- Joint Chiefs of Staff
- Munitions Board
- Research and Development Board

Reorganization Plan No. 6 of 1953, effective June 30, 1953, 67 Stat. 638. Transferred the following to the Secretary of Defense:

- Munitions Board
- Research and Development Board
- Defense Supply Management Agency

Department of Defense Reorganization Act of 1958, August 6, 1958, P.L. 85-599, 72 Stat. 514.

- Amended the National Security Act of 1947 and other Acts.
- Provided for basic reorganization which included the assignment of each of the three military departments and their Secretaries to be under the direction of the Secretary of Defense.
- Established a Director of Defense Research and Engineering and a National Guard Bureau.

Department of Defense Amendments of 1977, October 21, 1977, P.L. 95-140, 91 Stat. 1172.

- Established the position of Under Secretary of Defense for Policy.
- Changed the title of Director to Under Secretary of Defense Research and Engineering.

DEPARTMENT OF THE ARMY

The Army was created by the Continental Congress as the American Continental Army, June 14, 1775.

Department of War Act, August 7, 1789, 1 Stat. 49

- Established the Department of War as an Executive Department.
- Outlined the duties and powers of the Secretary at War as head of the Department (had jurisdiction over Army and Naval operations).

National Security Act of 1947, July 26, 1947, P.L. 80-253, 61 Stat. 495.

- Changed the title of the Department of War and it's Secretary Department of the Army and the Secretary of Army, within the Department of Defense.
- Created the National Military Establishment (Army, Navy and Air Force).

DEPARTMENT OF THE AIR FORCE

National Security Act of 1947, July 26, 1947, P.L. 80-253, 61 Stat. 495

- Established the Department of the Air Force in the Department of Defense.

DEPARTMENT OF THE NAVY

The Navy was created by the Continental Congress as the Continental Navy, October 13, 1775.

Department of Navy Act, April 30, 1798, 1 Stat. 553.

-Established the Department of the Navy and its Secretary.

National Security Act Amendment of 1949, August 10, 1949, P.L. 80-216, 63 Stat. 578.

-Provided for the Department and the Secretary of the Navy to be in the Department of Defense.

DEPARTMENT OF THE ARMY

The Army was created by the Continental Congress as the American Continental Army, June 14, 1775.

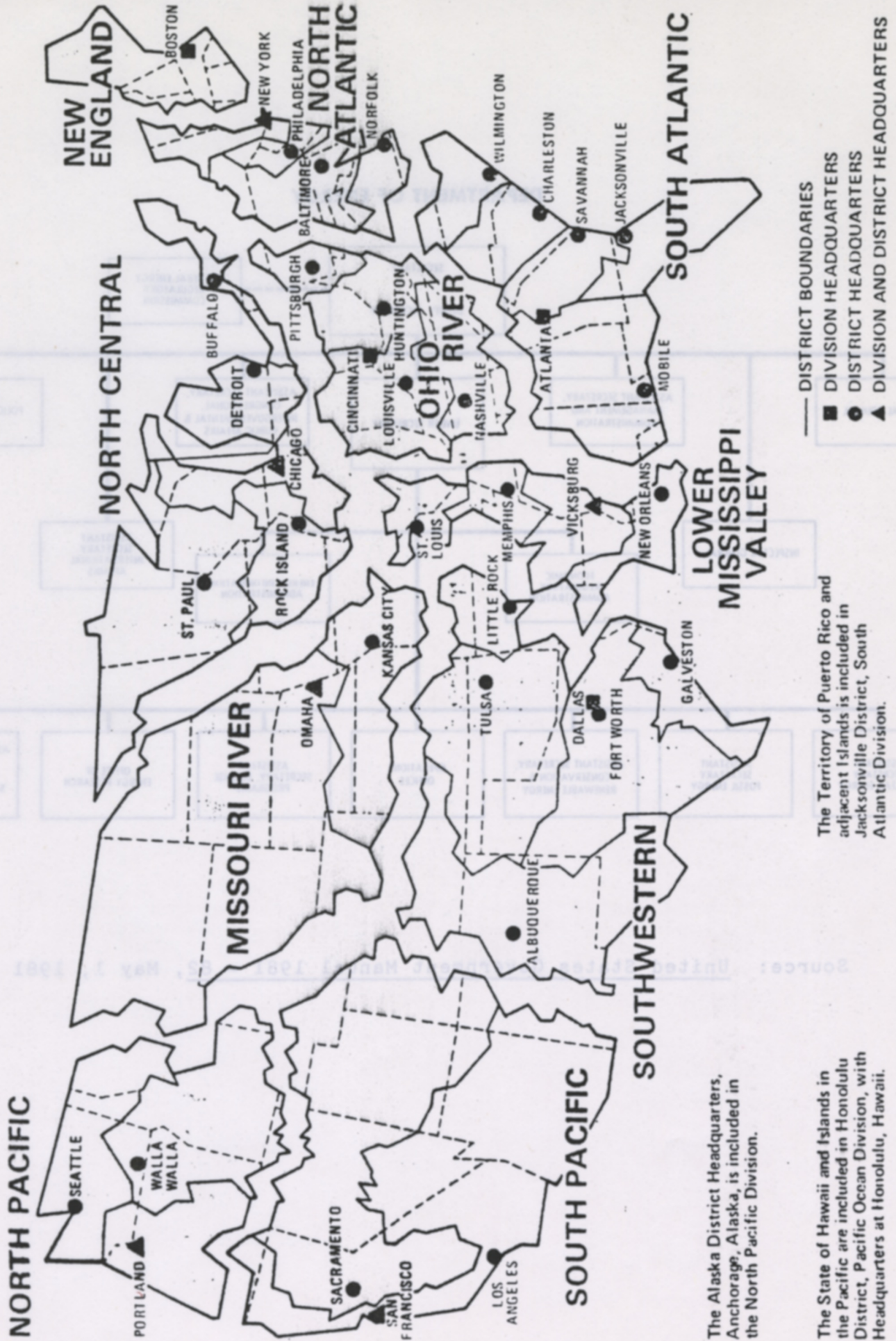
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National Security Act of 1947, July 26, 1947, P.L. 80-253, 61 Stat. 495.
-Changed the title of the Department of War and its Secretary to Department of the Army and the Secretary of Army, within the Department of Defense.
-Created the National Military Establishment (Army, Navy and Air Force).

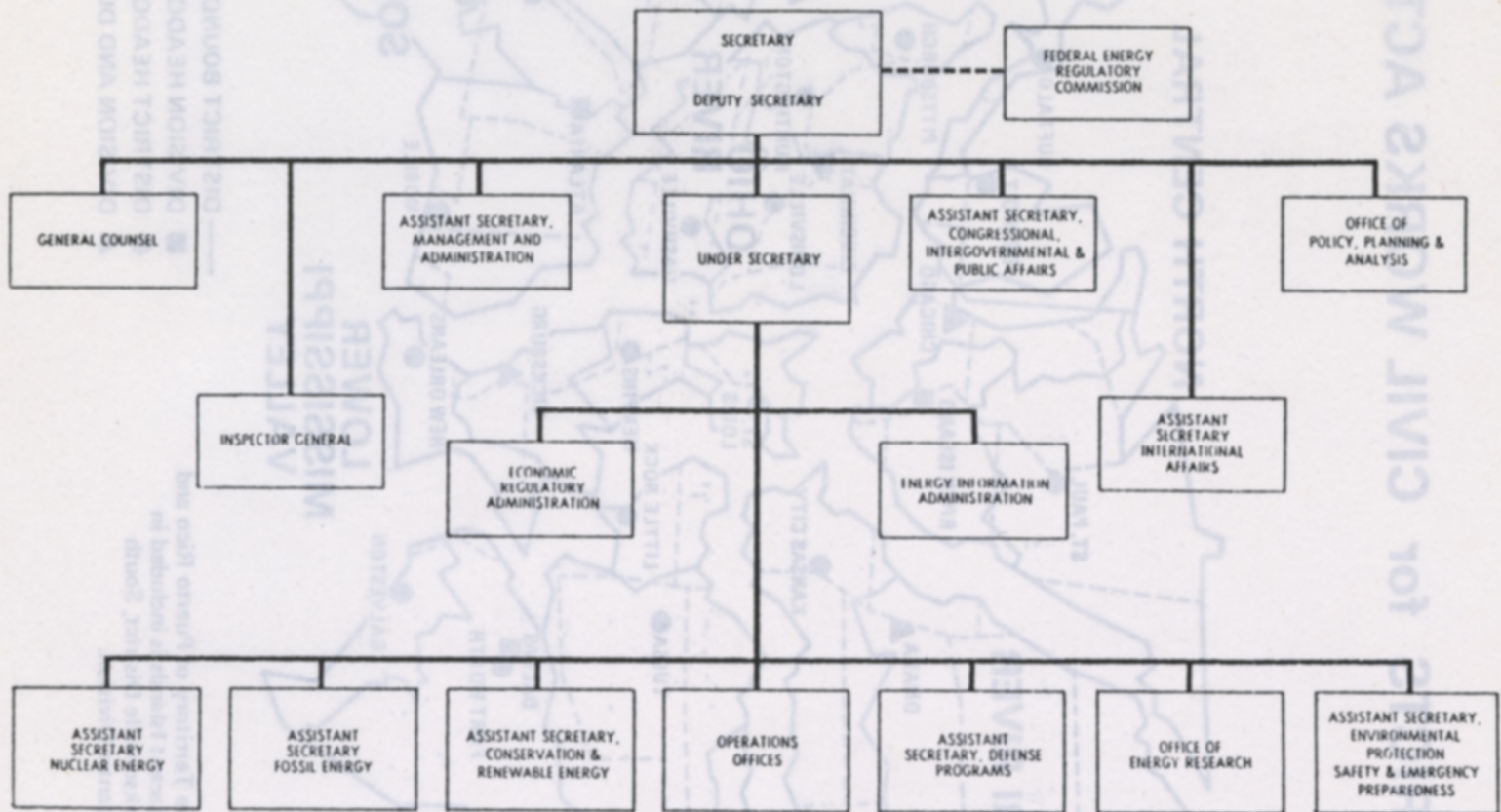
DEPARTMENT OF THE AIR FORCE

National Security Act of 1947, July 26, 1947, P.L. 80-253, 61 Stat. 495.
-Established the Department of the Air Force in the Department of Defense.

DIVISIONS AND DISTRICTS for CIVIL WORKS ACTIVITIES



DEPARTMENT OF ENERGY



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF ENERGY

PURPOSE:

The creation of the Department of Energy was intended to unify the nation's energy policy. This includes research, regulation, and production.

SPECIFIC INDIAN IMPACTS:

A. Regulatory Programs

The principal regulatory functions within DOE are located in the Economic Regulatory Administration (ERA), and the Federal Energy Regulatory Commission (FERC). Indian tribes which produce electricity for interstate sale, would be impacted by the regulations of ERA and FERC.

B. Grant Programs

Most of DOE's relationship to tribes, however, consists of grant programs that benefit tribes.

1. Weatherization Grants

Under regulations listed in 10 CFR, Part 440, tribes can receive grants for weatherization of homes of low income persons, especially the elderly and handicapped. Indian tribes are included specifically under the regulations, but are supposed to be served by State programs funded by DOE. If the DOE Regional Representative determines that low income members of a tribe are not receiving benefits equivalent to others in the State, the Regional Representative can take money that would normally go to a state and give it to the tribe.

A tribe can either operate the low income weatherization program itself, cooperate with other tribes in a joint organization, or recommend that some other organization be contracted to provide weatherization services. Applications for funding must be submitted every year to the DOE Regional Representative.

2. Grants for Energy Audits and Technical Assistance

10 CFR, Part 455 describes a program whereby DOE provides grants to states to conduct energy audits for: 1) public or non-profit schools and hospitals, and, 2) buildings owned by units of local government and public care institutions. In addition to audits, the program can provide technical assistance in actually implementing energy conservation measures. "Indian tribes" are defined in the regulations, but they are also included in the definition of "unit of local government."

Tribes must apply for grants through state energy offices. Tribes can receive money for "Energy Audits" and "Technical Assistance Audits" (detailed engineering analysis discussing specific costs, designs and payback periods), but not for the actual retrofit work, called "Energy Conservation Measures." Energy Conservation Measure funds are available only to schools and hospitals.

Tribes have to match the federal funds with non-federal funds, such as foundation grants. States can use state funds for their non-federal matching portion. This gives tribes a disadvantage in obtaining matching funds. The entire procedure of tribes having to participate in a state energy program in order to receive federal funds conflicts with tribal sovereignty. To date, only two tribes have participated in the program. For further information, contact:

Institutional Buildings Grants Programs
State and Local Programs, CS
U.S. Department of Energy - Room 2H-027
1000 Independence Avenue, S.W.
Washington, D.C. 20585

3. Appropriate Technology Grants

10 CFR, Part 470 describes a program to encourage development of small scale, low cost, renewable energy technologies that enhance community self-reliance. The regulations define "Indian tribe" and "tribal organization."

Grants are available for Concept Development, Development, or Demonstration. Project proposals are submitted to Regional Program Managers and then go through a DOE selection process to distribute funds on the basis of regional distribution, project type distribution, diversity of participants, and the best overall use of the funds available.

Grants cannot exceed \$50,000 in two years per project, and are available to individuals, local non-profit organizations, State and local agencies, Indian tribes, and small businesses (100 employees or less).

C. Uranium Mill Tailings Remedial Action Program

The Uranium Mill Tailings Radiation Control Act of 1978, P.L. 95-604, gives DOE the responsibility for cleaning up 25 inactive uranium tailings piles located in Pennsylvania and several Western states. Four of these sites are located on the Navajo Indian reservation.

The DOE has to provide 100% of the funds needed for cleanup of these four sites. Sites on State or private land get 90% Federal funding and 10% State funding. The tribe retains ownership of the land, but if the tailings are buried on Indian land, the DOE, NRC, and EPA retain permanent right of entry to inspect the site and enforce their regulations.

The standards for cleanup of the present sites and future burial sites are to be set by the Environmental Protection Agency (EPA). Interim standards for cleanup of offsite properties (areas other than the tailings piles themselves) were issued by the EPA in April, 1980 (Federal Register, April 22, Parts IV and V). Standards for the tailings piles themselves are expected by November 1981. At this point, detailed engineering studies will be conducted for each site, after which the tailings will either be buried at their present site or carried off to be buried somewhere else. The project is managed by:

Richard Campbell, Project Manager
 Uranium Mill Tailings Remedial Action Program
 DOE - Albuquerque Operations Office
 P.O. Box 5400
 Albuquerque, New Mexico 87115
 (505) 844-1014

INDIAN SET ASIDE MONEY:*

None specifically, other than that described in Section B.

INDIAN POLICY:*

None specifically.

HISTORY:

The Department of Energy (DOE) came into existence on October 1, 1977. It was made up of the following:

Independent Agencies

- Energy Research and Development Administration (ERDA)
- Federal Energy Administration (FEA)
- Federal Power Commission (FPC)

From Department of Interior

- Bonneville Power Administration
- Alaska Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- The power marketing functions of the Bureau of Reclamation.

From Interstate Commerce Commission (ICC)

- Oil pipeline jurisdiction.

From Department of Commerce

- Industrial energy conservation.

From Housing and Urban Development (HUD)

- Energy conservation standards for buildings.

*The Acting Director of Intergovernmental Affairs, William E. Tucker, has indicated on March 31, 1981, that since the new administration has started scaling down the operations and size of DOE many changes will be forthcoming. As these changes become final, they will be furnished to our staff.

From Department of Defense

-Jurisdiction over Naval oil reserves and oil shale reserves.

CREATION:

Department of Energy Organization Act, signed August 4, 1977 (P.L. 95-91, 91 Stat. 569, 42 U.S.C. 7131) and Executive Order 12009, September 13, 1977.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Federal Water Power Act of 1920, June 10, 1920.

-Established Federal Power Commission.

Federal Power Act of 1935, 49 Stat. 838, 16 U.S.C. 791, August 26, 1935.

-Provisions regarding dams on Indian reservation land. A license is required after a "finding" that the dam will not interfere or be inconsistent with the purpose for which the reservation was created or acquired. Annual fee paid to tribe.
-FPC (now FERC) authority to regulate electric utilities engaged in interstate commerce.

Energy Reorganization Act of 1974, P.L. 93-438, 88 Stat. 1233, October 11, 1974.

-Established Nuclear Regulatory Commission (NRC) and the Energy Research and Development Administration (ERDA).

National Energy Act of 1978, November 9, 1978.

1. The Natural Gas Policy Act, P.L. 95-621, 92 Stat. 3350.
2. The National Energy Conservation Policy Act, P.L. 95-619, 92 Stat. 3206.
3. The Powerplant and Industrial Fuel Use Act, P.L. 95-620, 92 Stat. 3289.
4. The Public Utility Regulatory Policies Act, P.L. 95-617, 92 Stat. 3117.
5. The Energy Tax Act, P.L. 95-618, 92 Stat. 3174.

CURRENT PROGRAMS:

A. Regulatory

Economic Regulatory Administration (ERA)

1. Oil pricing and allocation.
2. Oil import programs.
3. Natural gas import and export programs.
4. Electricity import programs.
5. Mandatory conversion from oil and gas to coal.
6. Requires utilities to promote energy conservation.

7. Intervention in FERC, federal and state regulatory proceedings.
8. Coordination and interconnection of transmission systems.
9. Emergency fuel allocation and gas rationing plans.

Federal Energy Regulatory Commission (FERC)

1. Natural gas interstate transportation and wholesale sales.
2. Construction and operation of interstate natural gas pipelines.
3. Enforcing curtailment by gas companies to reduce service to certain areas.
4. Interstate transmission of electricity and wholesale sales.
5. Authorizing interconnections of electric utilities.
6. Licensing non-federal hydroelectric projects.
7. Regulating security (stock) issues and mergers of electric utilities and approving interlocking directorships.
8. Rates for interstate oil transportation by pipeline.
9. Establishing pipeline valuations.

B. Research and Development

1. Albuquerque Operations Office (New Mexico)
-Nuclear weapons research, development, production, transportation and storage.
2. Chicago Operations Office (Illinois)
-Research in fusion, fission and breeder reactors, solar heating and cooling, battery energy storage, and electricity from solid waste.
3. Idaho Operations Office
-Research on safety of water-cooled fission reactors, geothermal energy, reactor fuel reprocessing, waste management, magnetohydrodynamics (electricity from hot coal-fired gases).
4. Nevada Operations Office
-Underground testing of nuclear bombs, natural gas recovery from tight gas sands, geothermal energy development, nuclear waste management, radiation research and resettlement on the Marshall Islands in the Pacific Ocean.
5. Oak Ridge Operations Office (Tennessee)
-Production of enriched uranium for bombs and reactor fuel cores, coal liquefaction demonstration plant, animal research, and research on occupational medicine, environmental health and epidemiology.
6. Richland Operations Office (Washington)
-Plutonium production, nuclear waste management, national waste terminal storage program, fast flux test facility (breeder reactor), and fusion materials irradiation facility.
7. San Francisco Operations Office (California)
-Nuclear weapons design and development; solar, geothermal, and high energy development.

8. Savannah River Operations Office (South Carolina)

-Nuclear weapons components production, storage of spent fuel from reactors, long-term high-level waste management, production of tritium and heavy water, research on behavior of radioactive elements in ecological systems.

9. Grand Junction Office (Colorado)

-Assesses U.S. uranium supply, responsible for DOE cleanup of Grand Junction uranium tailings problem and 25 inactive tailings sites.

C. Electric Power Marketing

-Bonneville Power Administration
-Southwestern Power Administration
-Alaska Power Administration
-Southeastern Power Administration
-Western Area Power Administration

These five electric power marketing administrations were established between 1937 and 1977 to market hydroelectric power from federally constructed dams at the lowest rates consistent with sound business practices. They give preference to public bodies and cooperatives. They also participate in regional planning to promote orderly development of electricity potential to meet long-term power needs.

3. Idaho Operations Office

-Research on safety of water-cooled fission reactors, geo-thermal energy, reactor fuel reprocessing, waste management, magnetohydrodynamics (electricity from hot coal-fired gases).

4. Nevada Operations Office

-Underground testing of nuclear bombs, natural gas recovery from light gas sands, geothermal energy development, nuclear waste management, radiation research and remediation on the Marshall Islands in the Pacific Ocean.

5. Oak Ridge Operations Office (Tennessee)

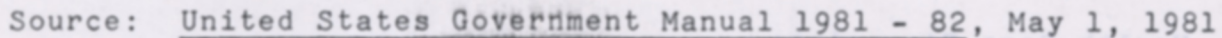
-Production of enriched uranium for bombs and reactor fuel, cores, coal liquefaction demonstration plant, animal research and research on occupational medicine, environmental health and epidemiology.

6. Richland Operations Office (Washington)

-Plutonium production, nuclear waste management, national waste terminal storage program, fast flux test facility (breeder reactor), and fusion materials irradiation facility.

7. San Francisco Operations Office (California)

-Nuclear weapons design and development; solar, geothermal, and high energy development.



NAME: DEPARTMENT OF HEALTH AND HUMAN SERVICES

PURPOSE:

To serve as the Federal agency most concerned with human health and other related concerns. Included in this vast responsibility are social security activities, health care delivery, and other activities which reflect on the well-being of the Nation.

SPECIFIC INDIAN IMPACTS:

1. Indian Health Service:

The IHS is the primary provider of health care services on Indian reservations. The IHS not only provides direct health care services through its own hospitals and field clinics which are staffed by Public Health Service professional personnel, but also provides indirect care by contracts with other health care providers for services not otherwise available. A comprehensive community health program is also provided. The main components of this program are public health nursing and environmental health. Included in the latter are a broad range of technical and consultative services in areas such as water supply, waste disposal, food service, plague, rabies, vector (disease carrying animals and insects) and injury control and radiological health. The IHS also provides for the construction of essential domestic water supply and waste disposal facilities for Indian homes, communities and lands under P.L. 86-121, the Sanitation Facilities Construction Act. Technical assistance to tribal water and waste disposal operation and maintenance organizations is included.

IHS is also responsible for protecting and preserving the right of Native Americans to believe, express, and exercise their own religious beliefs, ceremonies, and practices, in areas related to provision of health services. This also applies to traditional beliefs about some medical practices such as, autopsies, and the disposal of limbs or fetuses. Accommodations must also be made for traditional practitioners when ceremonies are conducted, and IHS must pay for such consultation when necessary.

2. Health Care Financing:

Indian recipients of Medicare and Medicaid funds have been incurring problems with reimbursement procedures. Another issue has been the certification of facilities by the States as a requisite to payment.

3. Social Security Administration:

Problems have been encountered in all areas of assistance, especially eligibility and reimbursement.

4. Emergency Medical Service Systems:

Problems have been encountered as to jurisdiction; who will respond on reservations. Some tribes have applied and received funds for their own Service.

5. Administration for Children, Youth, and Families:

Provides federally-funded programs for children for which Indian children may benefit; such as Headstart.

6. Administration for Native Americans:

The Administration serves as departmental focus for addressing the special concerns of American Indians, Alaskan Natives, and Native Hawaiians. Funds are available for programs which will assist in the fulfillment of self-determination goals.

7. Administration on Aging:

Indian tribes may receive direct funding according to the Older Americans Act for construction of Senior Citizen facilities, and other kinds of services available for senior citizens. These services may interface with others that Indian Elderly are eligible for, especially those provided by the Social Security Act.

8. Alcohol, Drug Abuse, and Mental Health Administration:

Indian tribes are eligible for services in the form of programs, projects, and grants in these major areas of concern. Major components of the administration, from which services are most often sought, are the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute on Drug Abuse, and the National Institute of Mental Health.

INDIAN SET ASIDE MONEY:*

Indian Health Service budget for FY 1980 was \$546.5 million.

Administration for Native American budget for FY 1980 and 1981 was \$33,800,000 each year.

INDIAN POLICY:*

No response from Department; however, Indian Health Service provide their's as "Elevation of the health status of the Indian

*Responses were received from Emery Johnson, M.D., Director, Indian Health Service (April 10, 1981) and Bob Winget, Intra-Departmental Council on Indian Affairs (March 31, 1981). Other changes were made where necessary at the suggestion of both reviewers.

and Alaska Native to the highest possible level". Administration for Native Americans (provided by IHS) purpose is "to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian Natives and Alaskan Natives."

HISTORY:

The Department of Health and Human Services was created by the Department of Education Act, P.L. 86-88, 93 Stat. 688, October 17, 1979, and is a relatively new Department. However, the parent Department (HEW) has a long history.

Public health services were provided early in the Nation's history, being provided to sailors at the Marine Hospital (1798). Immigrants were authorized to be inspected (1890) at the same Hospital. The Marine Hospital Service was eventually to become the Public Health Service, and would serve as the only Federal service to provide health care delivery to certain segments of the public.

Eventually, all health-related federal concerns were organized into one larger department. The first of these was the Federal Security Agency and Board, established during the Depression. This was the direct forerunner of DHEW. DHEW was established in 1953. Health-related activities have since expanded into many areas. Recently, the education portion has been separated into a new Department (1979); Health and Welfare (Human Services) remained in one department.

CREATION:

Department of Education Act, October 17, 1979, P.L. 96-88, 93 Stat. 688. This Act created the Department of Education and designated the old HEW to be Health and Human Services.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Reorganization Plan No. 1 of 1953, 67 Stat. 631.
-Created the Department of Health, Education, and Welfare.
Abolished the Federal Security Administration, an earlier version of DHEW.
2. Reorganization Plan No. 3 of 1966, effective June 25, 1966, 80 Stat. 610.
-Transferred all functions of the Public Health Service to DHEW.

PUBLIC HEALTH SERVICE

1. Public Health Service Act, et seq., July 1, 1944, P.L. 78-410, 58 Stat. 682.
 - Provides for service functions to be carried out through the Commissioned Corps, National Health Service Corps, and by other non-commissioned personnel.
 - Provides for medical care and examinations of certain personnel of the Coast Guard, National Ocean Survey, Public Health, and former Lighthouse Service; Medical care for seamen; Examination of aliens; Indian health; Specific medical examination of underground coal miners; Hospital and station management; and, counseling and training for disaster assistance.
 - Provides for Federal-State cooperation. Provides funding for various programs through grants-in-aid, loans, and loan guarantees.
 - Provides scholarships, fellowships, internships, and other training for health personnel.
 - Provides for quarantine, inspection, and licensing.
 - Provides for certain activities in the area of occupational safety and health research through grants.
 - Provides for a program of lead-based paint poisoning prevention. Funds projects for the detection, treatment, and prevention of such poisoning; Indian tribes are eligible for such grants.
 - Provides for cost containment and quality control of medical care.
 - Provides for health care delivery through Health Maintenance Organizations (HMO's).
 - Provides for health planning through Health Systems Agencies; and other resource development.

HEALTH CARE FINANCING

1. Social Security Act Amendment of 1965, P.L. 89-97, 79 Stat. 286.
 - Provides for health care assistance through grants to the states.
 - Title XVIII of the Act provides for Health Insurance for the Aged - Medicare.
 - Title XIX of the Act provides for grants to the states for medical assistance programs - Medicaid.
2. Social Security Act Amendment of 1967, P.L. 90-248, 81 Stat. 821.
 - Provides for quality assurance in the areas of maternal and child health.
3. Social Security Act Amendment of 1972, October 30, 1972, P.L. 92-603, 86 Stat. 1329.
 - Provides for Professional Standards Review Organizations (PSRO's).

- Provides that End-State Renal Disease (ESRD) constitutes a disability.
- Provides for health safety standards for providers of such care in Federal programs.

SOCIAL SECURITY

1. Social Security Act, et. seq. August 14, 1935, P.L. 74-271, 49 Stat. 620.
 - Provides old-age assistance through grants to the States; including aid to dependent children, unemployment compensation, maternal and child welfare.
2. Medicare - Medicaid Anti-Fraud and Abuse Amendments, P.L. 95-142, 91 Stat. 1175.
 - Provides for enforcement activities regarding fraud and abuse of reimbursement compensation by providers of such services.
3. Federal Coal Mine Health and Safety Act of 1969, et. seq., P.L. 91-173, 83 Stat. 742.
 - Provides black lung benefits to coal miners; administered jointly with the Department of Labor.

HUMAN DEVELOPMENT

1. Older Americans Comprehensive Services Amendments of 1973, May 3, 1973, P.L. 93-29, Title II, 87 Stat. 30.
 - Established an Administration on Aging in DHEW.
2. Child Abuse Prevention Act of 1974, P.L. 93-247, 88 Stat. 4.
 - Provided for a National Center on Child Abuse and Neglect in DHEW - Administration for Children, Youth, and Families.
3. Economic Opportunity Act of 1964, P.L. 88-452, Title VI, 78 Stat. 508.
 - Provided for Head Start program for pre-school children.
4. Rehabilitation Act of 1973, P.L. 93-112.
 - Established the Architectural and Transportation Barriers Compliance Board which reports to Congress regarding activities under the Act.
 - Rehabilitation Services Administration established. This Administration was transferred to the Department of Education.

INDIAN HEALTH

1. The Snyder Act of 1921, P.L. 67-85, 42 Stat. 208, 25 U.S.C. 13.
 - Authorized the Secretary of the Interior (through the BIA) to provide financial assistance for the benefit, care and assistance of Indian people. One of these purposes was "for the relief of distress and conservation of health."

2. Transfer Act of 1954, August 5, 1954, P.L. 83-568, 68 Stat. 674.
-Provided for the transfer of facilities and the maintenance of such facilities, and the responsibility for the conservation of health of Indians from the Bureau of Indian Affairs to the Department of Health, Education and Welfare. It was to be administered by the Surgeon General of the U.S. Public Health Service.
3. The Indian Health Facilities Act of 1957, August 16, 1957, P.L. 85-151, 71 Stat. 370.
-Authorized funds for the construction of Indian health care facilities which were to be used by both Indians and non-Indians.
4. Indian Sanitation Facilities Act, July 31, 1959, P.L. 86-121, 73 Stat. 267.
-Amends the Transfer Act by adding a new Section 7 which provides for the construction of sanitation facilities.
5. Health Maintenance Organization Act of 1973, December 29, 1973, P.L. 93-222, 88 Stat. 2225.
-Section 6 amends the Transfer Act by authorizing the Secretary of HEW to provide the delivery of health services for Indians on a fee-for-service basis or on a pre-payment or similar basis (HMO's).
6. National Health Planning and Resources Development Act of 1975, P.L. 93-641, 88 Stat. 2225.
-Provided for the improvement of the health of all people by increasing accessibility, continuity, and quality of health services, and in so doing, restraining increases in the costs of providing such services.
-Provided for a national network of Health Service Areas and in those areas, designated Health Systems Agencies (HSA's) to act as clearinghouses for all health-related applications for Federal funding. HSA's may only review and comment on applications which have been submitted by tribes.
7. Health Research and Health Service Amendment of 1976, P.L. 94-278, 90 Stat. 401.
-Provides for the Secretary to allow Indian Health Service (IHS) to utilize non-profit recruitment agencies to assist in obtaining personnel for the Public Health Service (PHS).
8. Indian Health Care Improvement Act, September 30, 1976, P.L. 94-437, 90 Stat. 1400.
-Provides for increasing the number of Indian health professionals by recruitment, and scholarship programs.
-Authorized funds to "eliminate backlogs in Indian health care services" and to supply known unmet medical, surgical, dental, optometrical, and other Indian health care needs.
-Authorized funds for the construction and renovation of Indian health care facilities.

- Authorized funds for an increase in the access of Indians to receive certain health services including payments from medicare and medicaid.
- Established programs in urban areas to make health care service delivery more accessible to that Indian population.
- Authorized funds for a study to determine the need and feasibility of an Indian School of Medicine.

9. Health Services and Centers Amendments of 1978, November 10, 1978, P.L. 95-626, 92 Stat. 355.

- Provided for special reports to be made on the primary health care needs of each specific tribe of American Indian and Alaskan Natives. Study to contain an assessment of the access, or lack thereof, in receiving health care services, examine alternative types of delivery systems and institutionalization, and make recommendations in each area.

10. The Indian Health Care Amendments of 1980, P.L. 96-537, December 17, 1980, 94 Stat. 3181.

- Extends the Indian Health Care Improvement Act, P.L. 94-437, establishes a number of new programs and authorities, makes substantive changes in a number of current programs and requires several reports and studies.
- Provide for four year, in addition to two year, health professions preparatory scholarship grants.
- Direct the Secretary of Health and Human Services to provide funding to Indian tribal organizations to assist Indians to enroll in Medicare and Medicaid and to pay for all or part of the Medicare Supplementary Medical Insurance premium.
- Expand the present program for health services for urban Indians to include as well rural Indians not living on reservations, and require the Secretary by March of 1984 to submit an assessment and recommendations to Congress concerning the program.
- Permit the Secretary to reconstruct or renovate property leased from an Indian tribe.
- Require the Secretary, within one year of enactment of the enrolled bill, to submit to Congress a plan for the allocation of services and funds of the Indian Health Services.
- Require the Secretary, within 18 months of enactment of the enrolled bill, to submit a study to Congress on health hazards resulting from nuclear resource development to Indian miners and to Indians on or near reservations or in Indian communities.
- Require the Secretary, within one year of the submission of the above study to Congress, to submit a plan to Congress for dealing with those health hazards.

- Establish an Intergovernmental Task Force, chaired by the Secretary, to identify existing and potential nuclear resource development activities which may adversely affect the health of Indians, and require the task force to enter into activities to correct existing health hazards and to reduce present and future health problems.
- Require the Indian Health Service (IHS) to treat any Indian uranium miner who is suffering from a work related illness or condition, who is otherwise eligible for IHS services, and who is entitled to have his employer pay for treatment for the illness or condition, and permit IHS to recover its expenses from the employer.
- For fiscal years 1982 through 1984, permit any Indian residing in Arizona to receive contract care anywhere in the State (rather than only in locations near the Indian's residence).
- Extend eligibility for IHS services, for fiscal years 1982 through 1984, to about 900 federally terminated Indians living in California, and
- Direct the Secretary, in conjunction with the Office of Personnel Management, to conduct a demonstration project in which certain personnel ceilings of IHS are lifted, and require IHS, within 2 years of enactment of the enrolled bill, to submit a report to Congress on the demonstration.

FOOD AND DRUG

1. Federal Food, Drug, and Cosmetic Act, June 25, 1938, P.L. 75-717, 52 Stat. 1040.

- Provided for the protection of the public from impurities and unsafe foods, drugs, and cosmetics. Established such an Administration in the Department of Agriculture.

CURRENT PROGRAMS:

1. Public Health Service

A. Alcohol, Drug Abuse, and Mental Health Administration:

- Provides Federal funding and other support to reduce, and where possible, eliminate the problems caused by the abuse of alcohol and drugs; includes resulting child abuse and neglect problems.
- Major activities through - the National Institute of Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.
- Provides grants for alcohol abuse and alcoholism prevention, treatment, and rehabilitation services and national alcohol research center.
- Provides grants for community mental health centers.

B. Center for Disease Control:

- Provides the Federal direction for the protection of the Nation's health from diseases. Provides direction in the prevention and control of such diseases, and other preventable conditions (determines causes).

-Organizations include: the National Institute for Occupational Safety and Health (NIOSH), Bureau of Epidemiology, Bureau of Health Education, Bureau of State Services, Bureau of Smallpox Eradication, Bureau of Training, and the Bureau of Tropical Diseases.

C. Food and Drug Administration:

- Provides for the protection of the health of the public from unsafe and contaminated foods, drugs, and cosmetics.
- Carries out activities through - Bureau of Biologics, Bureau of Drugs, Bureau of Foods, Bureau of Radiological Health, Bureau of Veterinary Medicine, Bureau of Medical Devices, and the National Center for Toxicological Research.
- Carries out inspection, testing, and research activities as part of the regulatory functions in each area.

D. National Institutes of Health:

- Provides the research, and supports other research, of the causes, prevention, and cure of diseases. Provides for the use of new techniques and methods to aid in its responsibility.
- Carries out activities through - National Cancer Institute; National Heart, Lung, and Blood Institute; National Library of Medicine; National Institute of Arthritis, Metabolism, and Digestive Diseases; National Institute of Child Health and Human Development; National Institute of Dental Research; National Institute of Environmental Health Sciences; National Institute of General Medical Sciences; National Institute of Neurological and Communicative Disorders and Stroke; National Eye Institute; and the National Institute on Aging.
- Provides Federal grants for research, prevention, control, and demonstration in several areas.

E. Health Resources Administration:

- Provides for the identification of health care resources, delivery, distribution, supply, and quality problems. Provides guidelines for planning and development of activities to solve such problems.
- Carries out activities through - Bureau of Health Manpower, the Bureau of Health Facilities Financing, Compliance, and Conversion.

F. Health Services Administration:

- Provides the Federal lead and direction for health care delivery services.
- Carries out activities through - Bureau of Community Health Services, Indian Health Service, and Bureau of Medical Services.
- Provides grants for migrant health services.

2. Human Development Service

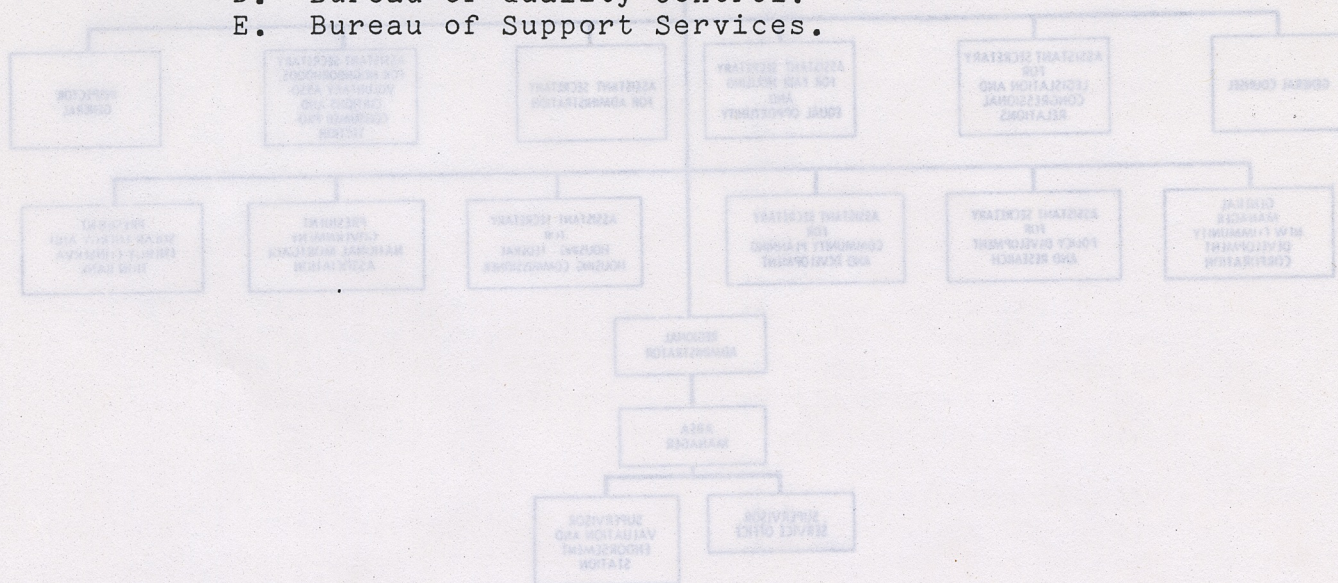
- A. Administration on Aging.
- B. Administration for Children, Youth, and Families.
- C. Administration for Native Americans.
- D. Administration for Development Disabilities.

3. Social Security Administration

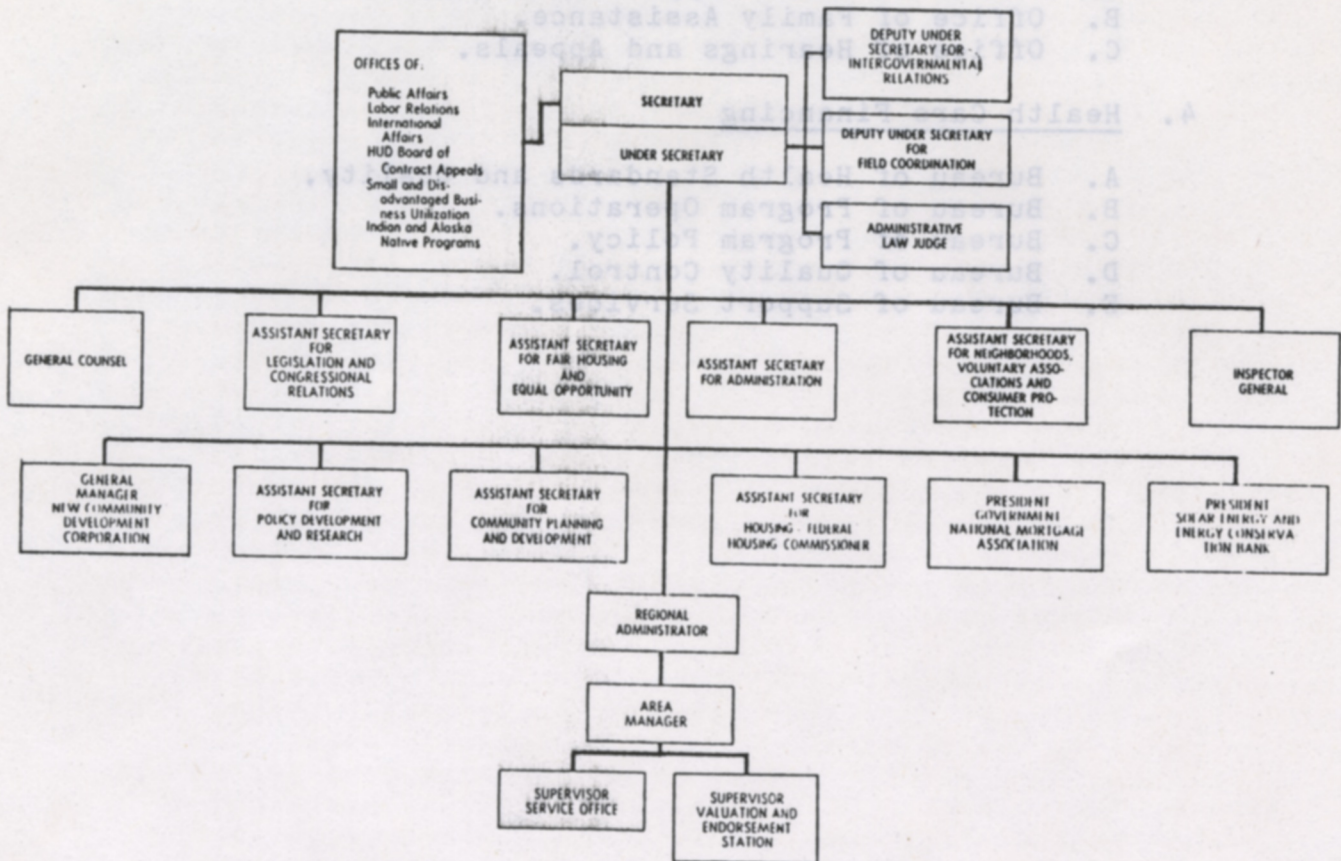
- A. Office of Child Support Enforcement.
- B. Office of Family Assistance.
- C. Office of Hearings and Appeals.

4. Health Care Financing

- A. Bureau of Health Standards and Quality.
- B. Bureau of Program Operations.
- C. Bureau of Program Policy.
- D. Bureau of Quality Control.
- E. Bureau of Support Services.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PURPOSE:

To serve as the principal Federal agency responsible for housing programs; including fair and equal housing practices, and the improvement and development of housing in the Nation's cities and communities.

SPECIFIC INDIAN IMPACTS:

A. Land-Use Planning

Congregate housing projects have been the most economical to construct; however, this may conflict with traditional living patterns. Segregation from the "old" community may result: young from old, low-income from higher incomes. Housing designs may not fit into traditional living practices; such as the division into separate areas, and the sizes of the rooms. Designs are based on "westernized" concepts.

The location of projects is an important choice. Projects may be adjacent to other development activities, such as agriculture or mining activities, and could be affected adversely. Comprehensive planning, then, is extremely important.

Environmental impacts of housing development include: water quality and quantity, wastewater management, solid waste management, air quality, noise pollution, and energy-related management for utilities.

INDIAN SET ASIDE MONEY:*

Figures provided by HUD for Indian tribes in FY 1981 are:

- A. Indian Housing - \$28.8 million in contract authority, which will finance approximately \$362 million of new construction;
- B. Modernization for Indian Housing Projects - \$1.3 million in contract authority which will finance approximately \$14.2 million of improvements;
- C. Operating Subsidies for Public Housing Agencies and Indian Housing Authorities - \$971 million combined (No HUD breakout available for Indian Housing Authorities).

*Taken from letter from HUD Secretary Samuel R. Pierce, Jr. dated April 6, 1981. Other suggestions have been incorporated where necessary.

- D. Community Development Block Grants for Indian Tribes and Alaska Native Villages - \$33.3 million;
- E. Comprehensive Planning Assistance (701 Program) - No set aside for Indian tribes in FY 1981;
- F. Urban Development Action Grants - No set aside for Indian tribes in FY 1981, but tribes eligible to apply.

INDIAN POLICY:*

HUD is committed to those statutory requirements which promote "the widest possible degree of Indian self-determination in decisions affecting how and where HUD programs are to be utilized in Indian areas." Additionally, HUD is committed to Indian preference in areas of training and employment, and in the awarding of contracts and subcontracts which may result from projects under the Indian Housing and Indian Community Development Block Grant programs. HUD requires that Indian Housing Authorities or Indian Community Development recipients also comply with Indian preference (where feasible and possible).

HUD is committed to other statutory requirements which regulate and protect the environment, and individual health and safety in administration of its Indian programs; includes: NEPA; the Clean Air Act; the Federal Water Pollution Control Act; the Lead-Based Paint Poisoning Prevention Act; the Flood Disaster Protection Act of 1973; the 1974 Historic and Archeological Data Preservation Act; the National Historic Preservation Act; the Act for the Preservation of American Antiquities; and various related Executive Orders.

HISTORY:

HUD was created by the Housing and Urban Development Act, P.L. 89-174, 79 Stat. 667, September 9, 1965; but Federal housing activities began in 1934 with the passage of the National Housing Act. Another early piece of legislation which set the direction for Federal participation in the housing business was the U.S. Housing Act of 1937. Since then, Federal activities have expanded to include many areas: community development, new community development, comprehensive planning, urban growth and development, and ways of financing such activities.

Housing goals include providing the fundamental needs of a decent and safe place to live for the Nation's people. In doing this, other activities and considerations have been included, such as impacts on the environment. HUD is still attempting to provide decent and safe housing, while considering all of these activities, and also providing local governments the financial means with which to revitalize their communities.

*See footnote at bottom of previous page.

CREATION:

Department of Housing and Urban Development Act, September 9, 1965, P.L. 89-174, 79 Stat. 667.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:A. Housing1. National Housing Act, June 27, 1934, P.L. 73-473, 48 Stat. 1246.

- Established the Federal Housing Administration (FHA) which encouraged improvement of housing standards and conditions. Provided for a system of financing with federal backing.
- Established a Mutual Mortgage Insurance Fund as a revolving fund to carry out FHA policies and activities.
- Established the Federal National Mortgage Association (FNMA) as a government corporation to purchase and sell home mortgages. P.L. 90-448, 82 Stat. 476, August 1, 1968, provided for FNMA to be divided, sharing responsibilities with another government corporation, the Government National Mortgage Association (GNMA).
- Provided for the insurance of savings and loan accounts by the Federal Savings and Loan Insurance Corporation (FSLIC).

2. United States Housing Act, September 1, 1937, P.L. 75-412, 50 Stat. 888.

- Provided Federal funds for urban renewal and elimination of slums.
- Created a U.S. Housing Authority which would assist local authorities in the development of low-rent housing and/or slum clearance activities.
- Provided Federal funds for the construction of such low-rent housing and/or slum clearance projects.

B. Housing Amendments1. Housing Act of 1964, September 2, 1964, P.L. 88-560, 78 Stat. 667.

- Amended the Housing Act by the addition of "Indian tribes" to the provisions concerning public works planning.

2. Housing and Urban Development Act of 1965, August 10, 1965, P.L. 89-117, 79 Stat. 474.

- Title III - Urban Renewal, amended the Housing Act by including "Indian tribe, band or nation" in the section concerning a federally-funded study to be conducted on housing and building codes, zoning, tax policies and development standards. The study would serve as an aid to development planning and activities.

-Title VII - Community Facilities, Section 702 - Grants for Basic Water and Sewer Facilities also amended the Housing Act to include in the definition of "local public bodies and agencies," the term, "Indian tribes" (in Section 706). This made Indian tribes eligible for federal funds under the Act for project activities for "basic public water facilities."

3. Housing and Urban Development Act of 1968, August 1, 1968, P.L. 90-448, 82 Stat. 476.

- Title II - Rental Housing for Lower-Income Families, Part B - Low-Rent Housing, amended the U.S. Housing Act to include "Indian" in the Declaration of Policy. This amendment reflected the prior administrative extension of low-rent public housing monies to Indian tribes through the creation of Indian Housing Authorities.
- Title VI - Urban Planning and Facilities amended Section 701, Comprehensive Planning of the Housing Act. Planning agencies were to include "Indian Reservations" and "tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian Reservation."
- Title XIII - National Flood Insurance Act of 1968, provided for HUD and other Federal agencies to identify flood-prone areas and establish measures to prevent or lower the risk from losses from such occurrences for any of their particular activities.

4. Housing and Urban Development Act of 1969, December 24, 1969, P.L. 91-152, 83 Stat. 379.

- Title II - Urban Renewal and Housing Assistance Programs, provided for an extension of assistance to Indian tribes.

5. Housing and Urban Development Act of 1970, P.L. 91-609, 84 Stat. 1770.

- Title IV - Consolidation of Open-Space Land Programs amended the Housing Act by adding a new Title VII - Open-Space Land. This includes, within the term "local public body," "Indian tribes, bands, groups, and nations (including Alaskan Indian, Aleut, and Eskimos)." Provides grant monies for "open-spaces" such as parks or other recreational areas, historical, architectural, or scenic areas.

6. Housing and Community Development Act of 1974, August 22, 1974, P.L. 93-383, 88 Stat. 633.

- Title I - Community Development included "Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States" in the term of "unit of general local government." Provided grants to finance a three year development plan (needs assessment) for future developmental projects.

- Title II - Assisted Housing amended the U.S. Housing Act to include under the term "States", "Indian tribes, bands, groups, and Nations, including Alaskan Indians, Aleuts, and Eskimos of the United States." This provided funding for "low-income housing" projects to be granted through designated "public housing agencies."
- Title IV - Comprehensive Planning amended the Housing Act to include "Indian tribal groups or bodies" to be eligible for grants, technical assistance, or other types of assistance regarding comprehensive planning activities.

7. Housing and Community Development Act of 1977, P.L. 95-128, 91 Stat. 1111.

- Title I - Community Development amended the 1974 Act by striking "Indian tribes, etc." from "unit of general local government" and redefines "Indian tribes" as "any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (P.L. 93-638) or under the State and Local Fiscal Assistance Act of 1972 (P.L. 92-512)."
- Title IX - Miscellaneous, amended Section 4 of the Department of Housing and Urban Development Act to provide for a Special Assistant for Indian and Alaska Native Programs. The new Assistant is responsible for "coordinating all programs of the Department relating to Indian and Alaska Native housing and community development."

8. Housing and Community Development Act Amendments of 1978, October 31, 1978, P.L. 95-557, 92 Stat. 2080.

- Title III - Program Amendments and Extensions amended Section 701 - Comprehensive Planning of the Housing Act, to include the term "Indian tribal group or body."

9. Housing and Community Development Act Amendments of 1979, December 21, 1979, P.L. 96-153, 93 Stat. 1101.

- Title III - Program Amendments of Extensions amended the Housing Act, the Federal Deposit Insurance Act, and the Federal Credit Union Act to provide for deposit insurance and security to be extended to Indian tribal government deposits.

C. Environment

1. Preservation of Historic and Archaeological Data, June 27, 1960, P.L. 86-523, 74 Stat. 220.

- Required that before the construction of dams could take place, notice must be given to the Secretary of the Interior. The Secretary would then determine whether the area contained any historical and/or archaeological data.

2. National Historic Preservation Act of 1966, October 15, 1966, P.L. 89-665, 80 Stat. 915.

-Provided for the expansion of the National Register of Historic Places. Requires that before any Federal monies are spent, consideration must be given to the effects on districts, sites, buildings, structures, or other objects which are included in the National Register.

3. National Environmental Policy Act, January 1, 1970, P.L. 91-190, 83 Stat. 852.

-Required that all Federal agencies must "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement...(an EIS)."

4. Historic and Archaeological Preservation Act, May 24, 1974, P.L. 93-291, 88 Stat. 174.

-Required that the Secretary of the Interior, whenever any Federal or Federally-funded construction project takes place, funds may be provided for the recovery, protection, and preservation of historical or archaeological data.

D. Other

1. New Communities Act of 1968, P.L. 90-448, 82 Stat. 513.

-Provided authorization to guarantee financial burdens incurred by private developers who finance new community development projects.

2. Physical Handicapped Building Accessibility, August 12, 1968, P.L. 90-480, 82 Stat. 718.

-Required that buildings for either residence or employment be constructed or altered so that handicapped individuals have access.
-Provided for grants or loans for such alterations, construction, or design.

3. Urban Growth and New Community Development Act of 1970, P.L. 91-609, Part B, 84 Stat. 1770.

-Provided for financing of both public and private new community development.

4. Lead-Based Paint Poisoning Prevention Act, January 13, 1971, P.L. 91-695, 84 Stat. 2078; Amendments P.L. 93-151, 93 Stat. 565.

-Established a Federal program to identify and eliminate the causes of lead-based paint poisoning.
-Some responsibilities are shared with the Department of Health and Human Services.

5. Emergency Housing Act of 1975, P.L. 94-50, 89 Stat. 249.

-Provided for temporary Federal assistance (loans and advances) to prevent nationwide mortgage foreclosures and distress which results from temporary loss of employment and income due to recession. Currently, the program is not funded.

6. Civil Rights Act of 1964, July 2, 1964, P.L. 88-352, 78 Stat. 241; 1968 Amendments, P.L. 90-284.
 -Provided for fair housing and equal opportunity in HUD-related activities.

CURRENT PROGRAMS:

A. Community Planning and Development

1. Community Development Block Grants:
 -HUD provides "block" grants to local governments for a wide variety of community development activities.
 -Grant program categories include: Urban renewal, Neighborhood development, Model cities, Water and sewer, Neighborhood facilities, Public facilities loans, Rehabilitation loans, Open space, Urban Beautification, and Historic preservation.
2. Urban Homesteading:
 -Provides for a program which will revitalize declining neighborhoods in urban areas and reduce the incidence of mortgage default.
 -Provides for the transfer of HUD-held properties to local governments, and the selection by those governments of "homesteaders."

B. Housing

1. Mortgage Insurance:
 -Provision has been made by the National Housing Act for a system of federally-guaranteed financing: FHA, FNMA, and GNMA.
 -Programs include: One-to-Four Family Home Mortgage Insurance, Mortgage Insurance for housing for the elderly, Home Improvement Insurance, Single-Family Home Mortgage Coin-surance, and Graduated Payment Mortgage (Experimental Financing).
 -Federal Mortgage Insurance programs include: Low and Moderate Income Families Assistance, Housing in Declining Neighborhoods, Special Credit Risks (includes home ownership counseling), Condominium Housing, Cooperative Housing, Mobile Homes (insurance of loans), Mobile Home Courts (construction, etc.), Multifamily Rental Housing (construction), Existing Multifamily Rental Housing (purchase or refining), Multifamily Rental Housing for Low- or Moderate-Income Families (financing), Supplemental Loans for Multifamily Projects and Health Care Facilities (Federally insured loans), Homes for Servicemen, and Disaster Permanent Housing.
 -Technical assistance and loans to nonprofit sponsors of low- and moderate-income housing.
 -A rent subsidy for lower-income families to help them afford decent housing in the private market.

C. Neighborhoods, Voluntary Association & Consumer Protection

1. Neighborhood and Consumer Affairs:
 - Provides for a system of participation by organizations in development of urban and regional areas.
 - Provides for a system to ensure that consumer's basic rights are considered in gaining access in all developmental activities: Also a mechanism for input into HUD's decision-making process.
2. Counseling for Tenants and Homeowners:
 - Free counseling for owners and tenants of HUD-insured housing activities.
3. Community Services for Tenants:
 - Technical assistance to local managers of HUD-assisted or public housing projects. This includes assistance from other Federal agencies including: Justice, Labor, and Health and Human Services.
4. Interstate Land Sales Registration:
 - Protects consumers against fraudulent practices of land developers by enforcing laws governing interstate land sales registration.
5. Mobile Home Construction and Safety Standards:
 - Provides protection to the purchasers of mobile homes by issuing construction and safety standards in conjunction with the Consumer Product Safety Commission.
6. Real Estate Settlement Procedures Act (RESPA):
 - Protects buyers by requiring estimates of costs involved in home purchases. Enforces the Act by the prohibition of kickbacks and the imposition of illegal fees.
7. Lead-Based Paint Poisoning Prevention Program:
 - Provides protection of inhabitants of federally-owned or assisted housing construction or rehabilitation against such paint poisoning.
 - Prohibits the use of such paint in HUD-housing or HUD-assisted housing projects.

D. New Communities

1. New Community Development Corporation (NCDC):
 - Another government corporation which provides for loan guarantees for new community financing to assure well-planned, diversified, and economically sound communities.
 - Eligible developers may also receive funds from the Community Development Block Grant Program.

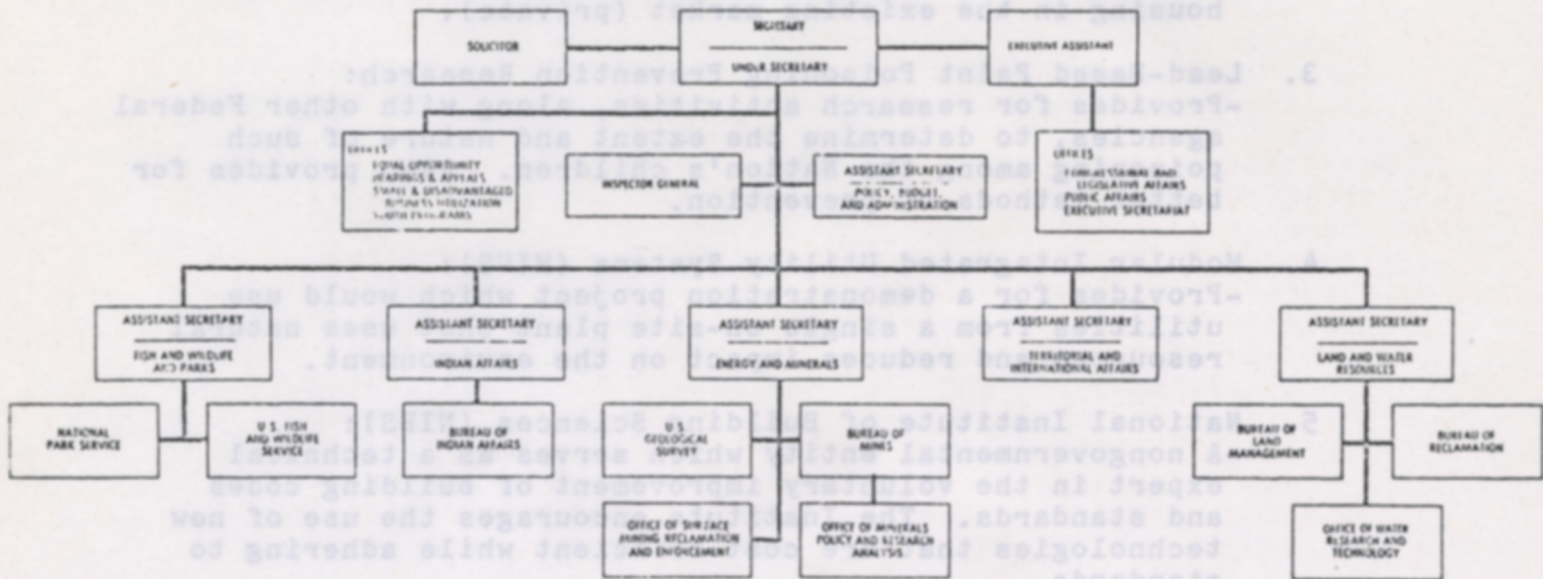
E. Policy Development and Research

1. Community Economic Development:
 - Provides for an inter-agency demonstration project combining both Federal and private sources of financing which generates employment and the renewal of urban areas.
 - Ten cities are currently participating in the program.
2. Experimental Housing Allowance Program:
 - Provides for low-income families to be able to purchase housing in the existing market (private).
3. Lead-Based Paint Poisoning Prevention Research:
 - Provides for research activities, along with other Federal agencies, to determine the extent and nature of such poisoning among the Nation's children. Also provides for better methods of prevention.
4. Modular Integrated Utility Systems (MIUS):
 - Provides for a demonstration project which would use utilities from a single on-site plant that uses natural resources and reduces impact on the environment.
5. National Institute of Building Sciences (NIBS):
 - A nongovernmental entity which serves as a technical expert in the voluntary improvement of building codes and standards. The Institute encourages the use of new technologies that are cost-efficient while adhering to standards.
6. Solar Heating and Cooling Demonstration Program:
 - Provides for a demonstration project which will encourage the use of solar energy technology in the housing market.
7. Tenant Management Program:
 - Provides for a demonstration program to test new approaches in the daily operations of low-rent public housing.
 - Provides employment opportunities for tenants.

F. Indian Housing

HUD provides Federal aid to Indian housing authorities for new housing and related facilities in Indian areas. HUD provides assistance to Indian Housing Authorities to develop rental or "Mutual-Help" homeownership projects. Occupants of rental projects make required rental payments while occupants of homeownership projects make required homebuyer payments.

DEPARTMENT OF THE INTERIOR



Source: U.S. Department of the Interior and United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF THE INTERIOR

PURPOSE:

The Department of the Interior has responsibility for: most of our nationally-owned public lands and material resources; the protection of fish and wildlife; the preservation of the environment and cultural values of national parks and historic places; the assessment of mineral resources and the assurance that their development is in the best interest of all people; and the responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

SPECIFIC INDIAN IMPACTS:

The Department of the Interior, through the Bureau of Indian Affairs, is generally looked to as the primary representative of the Federal government in carrying out the trust responsibility. In reality, all of the programs impact on Indians in one way or another. Sometimes the mission of one actually conflicts with the best interests of Indians. Indians look to the BIA to advocate their interests. In the Department of the Interior this internal conflict of interest has often had negative impacts on Indian tribes.

INDIAN SET ASIDE MONEY:*

BIA budget figures for FY 1982 are proposed at \$1.007 billion.

INDIAN POLICY:*

The present Administration is committed to a policy of self-determination and economic self-sufficiency for Indian tribes. In fulfilling this policy, the principal objectives of the Bureau of Indian Affairs are to actively encourage and train Indian and Alaska Native People to manage their own affairs under a trust relationship with the Federal Government; to facilitate, with maximum involvement of Indian and Alaska Native people, full develop-

* Taken from letter received from James Canan, Acting Deputy Assistant Secretary - Indian Affairs dated April 29, 1981. Other Suggestions have been incorporated where necessary.

Information concerning U.S.G.S. provided by Gary Stephens, Environmental Scientist, Albuquerque, New Mexico, June, 1981.

Information concerning the Bureau of Mines provided by Hermann Enzer, Deputy Director, September 29, 1981.

Information concerning the Bureau of Reclamation provided by Darrel D. Mach, Acting Assistant Commissioner, October 6, 1981.

Information concerning N.P.S. provided by Ira J. Hutchison, Acting Director, NPS, Washington, D.C. October 26, 1981.

Information concerning the Fish and Wildlife Service provided by Robert A. Peoples, Jr. Acting Associate Director - Fishery Resources, Washington, D.C. October 26, 1981.

ment of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska Native people or use by them; and to utilize the skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.

HISTORY:

The Department of the Interior was created by an Act of Congress in 1849, which transferred to this new department, the General Land Office, the Office of Indian Affairs, the Pension Office, and the Patent Office. The Department was also given responsibility, at that time, for supervising the Commission of Public Buildings, the Board of Inspectors, and the Warden of the Penitentiary of the District of Columbia, the Census of the United States, and the accounts of Marshals and other officers of the United States Courts, and of lead and other mines in the United States.

CREATION:

The Department of the Interior was established by an Act of Congress on March 3, 1849 (9 Stat. 395, 43 USC 1451).

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Water Research and Development Act of 1978, (92 Stat. 1305, 42 USC 7801).

Water Research and Conversion Act of 1977, (91 Stat. 400, 42 USC 1959).

-Established the Office of Water Research and Technology.

Reorganization Plan #3 of 1950, (64 Stat. 1262).

-Combined the Office of Minerals Policy Development and the Office of Minerals Policy and Research Analysis.

Reorganization Plan III of 1940, (54 Stat. 1232).

-Consolidated the Bureau of Fisheries and the Bureau of Biological Survey into the Fish and Wildlife Service.

National Park Service, (39 Stat. 535, 16 USC 1).

-Established August 25, 1916.

The Organic Act of May 16, 1910, (36 Stat. 369, 30 USC 1, 3, 5-7).

-Established the Bureau of Mines.

Geological Survey, (20 Stat. 394, 43 USC 31).

-Established March 3, 1879.

Surface Mining Control and Reclamation Act of 1977, (91 Stat. 445).

-Established the Office of Surface Mining Reclamation and Enforcement.

Bureau of Indian Affairs:

- Created in the War Department in 1824.
- Transferred to the Department of the Interior in 1849.
- The Snyder Act of 1921 (42 Stat. 208, 25 USC 13) provided substantive law for appropriations covering BIA activities.
- Indian Reorganization Act of 1934 (48 Stat. 984, 25 USC 461).
- Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638, 25 USC 450 et seq).

Presidential Reorganization Plan #3 of 1946, (5 USC app.).

- Consolidated the General Land Office and the Grazing Service into the Bureau of Land Management.

Federal Land Policy and Management Act of 1976, (90 Stat. 2743).Land and Water Conservation Act of 1965.The Reclamation Act of 1902, (43 USC 391, et seq).

- Established the Bureau of Reclamation.

CURRENT PROGRAMS:1. Geological Survey (USGS)

- a. Performs surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States.
- b. Classifies public land containing minerals and areas for water and water-storage.
- c. Enforces regulations applicable to oil, gas, and other mining leases on Federal, Indian and Outer Continental Shelf (OAS) lands. This includes leases for exploration, development, and production.
- d. Publishes and disseminates data relevant to the previously mentioned activities.
- e. Responsible for the collection of certain rentals and royalties for mineral, oil and gas production on Federal Indian and OAS lands.

2. Bureau of Mines

- a. Is primarily a research and fact-finding agency.
- b. Does applied and basic research to develop the technology for the extraction, processing, use, and recycling of the Nation's mineral resources at a reasonable cost.
- c. The Bureau collects, compiles, analyzes, and publishes statistical and economic information on all phases of mineral resource development, including exploration, production, shipments, demand, stock, prices, imports, and exports.
- d. Does mineral land assessments on Indian lands which are funded by the Bureau of Indian Affairs.
- e. The Office of Minerals Policy and Research Analysis is responsible for work conducted by Departmental organizations. It oversees new research and development programs and acts as advisor to other departments in the formulation of their programs.

3. Bureau of Indian Affairs

- a. Provides Indian Tribal Resources Development through programs for Financial Assistance, Indian Business Enterprise, Job Placement and Training, and Transportation.
- b. Provides technical assistance and training for Alaska Natives and Indian tribes.
- c. Provides Indian Educational Services including elementary, exceptional, secondary, and post-secondary education.
- d. Provides Trust Responsibility Services through programs in the areas of Environmental Services, Rights Protection, Forestry, Water and Land Resources, Fish, Wildlife and Recreation, Trust Funds Management, Energy and Mineral Resources, and Real Estate Services.
- e. Provides services to Indian tribal governments in the areas of Housing, Law Enforcement, Social Services, Tribal Government Services, Tribal Planning, and Self-Determination Services.
- f. Administers its programs through a series of 13 field office located throughout the country.

4. Bureau of Reclamation

- a. Responsible for the conservation and development of water and related land resources through the construction of public works projects which make water available for various users (including diversion dams, reservoirs, flood control structures, river regulation devices, and hydroelectric powerplants).
- b. Assists the States, local governments, and other Federal agencies to stabilize and stimulate economies, enhance and protect the environment, and improve the quality of life (in connection with #1).
- c. Provides water through such facilities for irrigation and non-irrigation uses, including municipal and industrial purposes.
- d. Repairs and rehabilitates existing projects, and operates and maintains other facilities.
- e. Provides for outdoor water recreational activities connected with Bureau water projects.
- f. Conducts research into the various uses of water sources, including the regulation, usage, improvement of quality, conservation, and identification of new sources of fresh water.
- g. Receives reimbursement for projects by repayment from direct beneficiaries through tax revenues.
- h. In cooperation with the Bureau of Indian Affairs is responsible for the planning, construction, and operation of those federally constructed irrigation and power projects and other works on Indian lands which require technical assistance.

5. Fish and Wildlife and Parks

U.S. Fish and Wildlife Service

- a. Protects migratory birds, game birds, bald eagles, golden eagles, marine mammals, fish, and wildlife.
- b. Regulates and protects endangered and threatened species.
- c. Promotes the preservation of wetlands as natural habitats.
- d. Habitat preservation activities include: the surveillance of pesticides, heavy metals, and thermal pollution.
- e. Does environmental impact assessments and reviews environmental impact statements regarding construction of nuclear and hydroelectric power plants.
- f. Conducts planning and preservation of wilderness areas which are found in National Wildlife Refuges or other U.S. Fish and Wildlife Service areas.

National Park Service

- a. Manages an extensive system of national parks, monuments, historic sites, and recreation areas.
- b. Plans the development of visitor and support facilities to provide for the public use and enjoyment of the parks.
- c. Plans and executes programs and activities to preserve, perpetuate and maintain the natural and cultural resources of the National Park System.
- d. Provides, usually on a reimbursable basis, technical assistance to Federal, State and local governments in fields associated with the planning, development, management, interpretation and preservation of park natural and cultural resources; and in the protection of visitors using the parks.
- e. Administers a program of financial assistance to State and local governments and to the National Trust for Historic Preservation for comprehensive planning, acquisition and development of park and recreation areas and historic and cultural properties.
- f. Administers the National Register of Historic Places (a listing of buildings, sites, structures and objects of local, State and national importance); and conducts programs for documenting properties of architectural and engineering significance and for archeological data recovery.
- g. Issues permits for archeological research on Federal lands; provides technical information and assistance on matters of planning, restoration and rehabilitation of cultural properties; and certifies historic buildings for eligibility to participate in Federal tax incentives for rehabilitation.

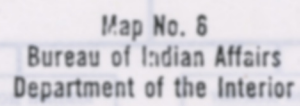
6. Bureau of Land Management

- a. Manages resources including timber, minerals, oil and gas, geothermal energy, wildlife habitats, endangered plant and animal species, livestock forage, recreation areas, lands with cultural importance, wild and scenic rivers, designated conservation and wilderness areas, and open space lands.

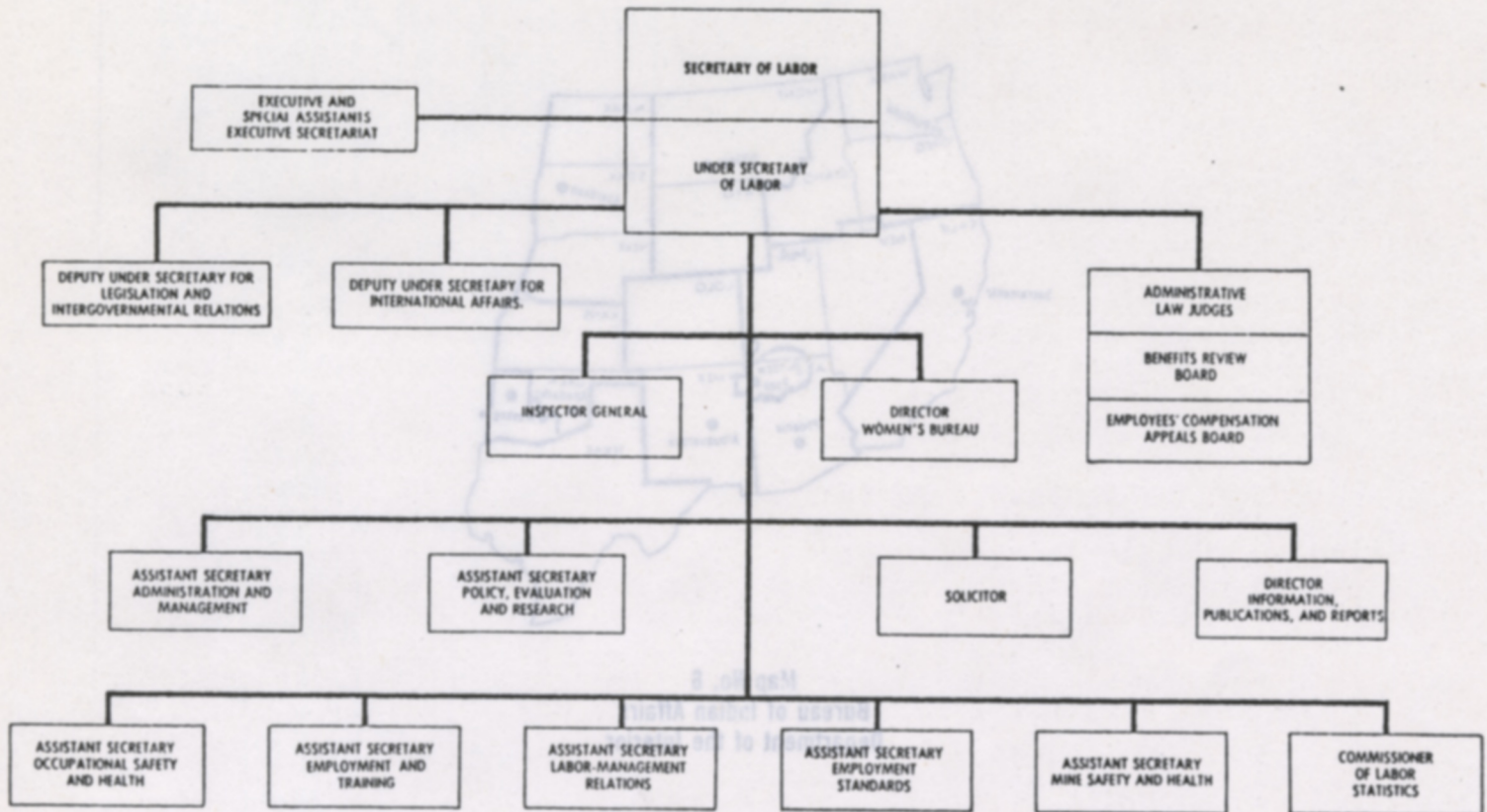
- b. Has responsibility for administering 254 million acres of public lands.
- c. Is responsible for the administration of the mineral estate on an additional 370 million acres of onshore lands where mineral rights are reserved to the U.S. and the surface is administered by other federal agencies or owned by private interests. BLM also administers mineral leasing on an estimated 1 billion acres of Outer Continental Shelf lands.
- d. In addition, BLM:
 - 1. Administers the occupancy and resource uses of the public lands within its jurisdiction.
 - 2. Protects and preserves timberland portions of federal lands for permanent forest production.
 - 3. Manages and protects wild horses and burros living on public domain lands.
 - 4. Manages the rangeland vegetation to improve the entire ecosystem so that it produces the full range of potential economic and social benefits.
 - 5. Issues prospecting permits for exploration purposes.
 - 6. Leases lands for development of designated mineral deposits.
 - 7. Grants rights-of-way through federal lands for pipelines.
 - 8. Issues permits for excavation of archaeological sites.

7. Office of Surface Mining Reclamation and Enforcement

- a. Responsible for the establishment of minimum material standards for regulating the surface effects of coal mining.
- b. Provides assistance to States and tribes in developing and implementing regulatory programs.
- c. Promotes reclamation of previously mined areas.
- d. There are four main program areas within OSM:
 - 1. Abandoned Mine Lands - Formulates policy and provides guidance for State, Federal, and Indian reclamation programs and administers the Abandoned Mine Reclamation Fund (money provided by a tax levied on coal mine operations, which is to be used for reclaiming and restoring land and water resources adversely affected by past coal mining).
 - 2. Inspection and Enforcement - Provides policy and guidance for assessment of penalties, conduct, and evaluation of inspection and enforcement programs.
 - 3. State and Federal Programs - Reviews and evaluates State and Tribal program applications, provides technical assistance and grants-in-aid to States and Tribes for development of initial regulatory programs.
 - 4. Technical Services and Research - Formulates policy and procedures, provides technical requirements for permits, reclamation plans, and performance standards.



DEPARTMENT OF LABOR



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF LABOR

PURPOSE:

To foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

SPECIFIC INDIAN IMPACTS:

A. Comprehensive Employment Development Program (CETA)

The Comprehensive Employment Development Programs are primarily CETA programs which include Comprehensive Manpower Services, Public Employment Programs, Emergency Job Programs, Summer Youth Employment Programs, and the Job Corps. Authority for these programs comes from the CETA of 1973 as amended, and the CETA of 1978. Indian tribes are mentioned specifically in the CETA legislation. The national programs which are administered directly from Washington, include employment and training programs for Indians.

B. Occupational Safety and Health Administration (OSHA)

The Occupational Safety and Health Act of 1970 states that:

"...Provided they otherwise come within the definition of the term 'employer' as interpreted in this part, Indians and Indian tribes, whether on or off the reservations, and non-Indians on reservations, will be treated as employer subject to the requirement of the Act."

(29 C.F.R., 1975.4, 3)

Health and safety standards are set, inspections of workplaces may be conducted, and citations issued when violations are found.

C. Mine Safety and Health Administration (MSHA)

MSHA is responsible for the safety and health of the nation's miners, including those on Indian reservations. Health and safety standards are set, mines inspected, and citations issued for violations.

Mine accidents must be reported and sometimes may be further investigated by MSHA officials. Federal regulations also require miners (both underground and surface) to have completed a certain number of training hours.

INDIAN SET ASIDE MONEY:*

The only monies set aside for Indian tribes are those appropriated under the Comprehensive Employment and Training Act (CETA). In FY 1981 a total of \$154,117,00 was allocated to Native American grantees.

INDIAN POLICY:*

The Department has not published an Indian Policy Statement, but has stated that it is a general policy to carry out the purpose and intent of the legislation for which they are responsible. When such legislation specifically mentions Indians and other Native Americans, it is DOL's policy to serve them as intended by law.

HISTORY:

The Department of Labor originated as a Bureau of Labor in the Department of the Interior on June 27, 1884. A Department of Commerce and Labor was created in February of 1903. In 1913, the Department of Labor, as we now know it, was created.

CREATION:

The Bureau of Labor was created in the Department of the Interior on June 27, 1884 (23 Stat. 60). A new department was created on February 14, 1903 (32 Stat. 827), which included both Commerce and Laobr. On March 4, 1913 a new Department of Labor was established (37 Stat. 736).

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

A. Programs administered by the Employment Standards Administration (ESA):

1. Federal Employee's Compensation Act, P.L. 64-267, 39 Stat. 742, as amended.

-Provides compensation benefits for disabilities due to personal injury which occurred on duty. U.S. Government Civilian Employees may also receive benefits for employment-related disease. When such disabilities or diseases cause death, benefits are also paid.

2. Service Contract Act of 1965, P.L. 89-286, 79 Stat. 1034, (41 USC 351, et seq)

-Provides for compensation benefit and certain labor standards (such as minimum wage and safe and healthful working conditions) for employees who work for government contractors or subcontractors.

*Taken from letter received April 16, 1981 from Labor Secretary Raymond Donovan. Other changes have been incorporated as suggested. Information on ESA provided by Donald Ridzon, Chief, Branch of Worker's Compensation Programs, Division of Evaluation and Research, Washington, D.C.

3. Longshoremen's and Harbor Workers Compensation Act, P.L. 69-803, 44 Stat. 1424, as amended.
-Provides compensation benefits for disability injuries and employment-related diseases sustained by nonseamen on the navigable water of the United States.
4. Contract Work Hours and Safety Standard Act, P.L. 87-581, Title I, 76 Stat. 357, (40 U.S.C. 327, et. seq.)
-Provides for the establishment of standards for hours of work and overtime pay (work done under contract to the U.S. Government). Also provides that no work can be done in places that are unsanitary, hazardous or dangerous to health or safety.
5. Davis-Bacon Act, P.L. 71-798, 46 Stat. 1494, as amended.
-Provides for payment of prevailing wages and fringe benefits to employees of contractors and subcontractors receiving federal funds for construction projects.
6. Fair Labor Standards Act of 1938, P.L. 75-718, 52 Stat. 1060, as amended.
-Provides that covered workers be paid the national minimum wage and that overtime be paid for work after 40 hours.
7. Farm Labor Contractor Registration Act of 1963, P.L. 88-582, 78 Stat. 920, as amended.
-Provides that farm labor contractors and users of migrant agricultural workers observe certain standards regarding recruitment, employment, transportation, and housing of migrant workers.
8. Black Lung Benefits Act, P.L. 92-303, 86 Stat. 150, as amended.
-Provides for compensation benefits to be paid to totally disabled coal miners (Black Lung Disease). Monthly benefits are also paid to eligible surviving dependents.

B. Other Programs:

1. Talmadge Amendments to the Social Security Act.
2. Occupational Safety and Health Act of 1970, P.L. 91-596, 84 Stat. 1590.
3. Federal Coal Mine Safety Act, as amended.
4. Federal Metal and Non-Metal Safety Act, P.L. 89-577, 80 Stat. 772.
5. Comprehensive Employment and Training Act of 1973, P.L. 93-203, 87 Stat. 839, as amended
6. Labor Management Relations Act, P.L. 80-101, 61 Stat. 136, as amended.
7. Equal Employment Opportunity Act of 1972, P.L. 92-261, 86 Stat 103, as amended by various Executive Orders.

PROGRAM/SERVICE AREAS:

1. Bureau of Labor Statistics.
2. Employment and Training Administration
 - Comprehensive Employment Development Programs (CETA)
 - National Employment and Training Programs
 - Unemployment Insurance
 - U.S. Employment Service
 - Apprenticeship Programs
3. Employment Standards Administration*
 - Office of Federal Contract Compliance
 - Office of Worker's Compensation
 - Wage and Hour Division
4. Labor-Management Services Administration*
5. Mine Safety and Health Administration*
6. Occupational Safety and Health Administration*

INDEPENDENT AGENCIES/COMMISSIONS WHICH IMPACT DOL PRACTICES:Federal Mine Safety and Health Review Commission

- established by the Federal Mine Safety and Health Act Amendments of 1977, (91 Stat. 1290).

Occupational Safety Health Review Commission

- established by the Occupational Safety and Health Act of 1970, (84 Stat. 1590).

National Institute for Occupational Safety and Health (NIOSH).

- created by the Occupational Safety and Health Act of 1970, (P.L. 91-596, 84 Stat. 1590).

National Labor Relations Board (NLRB).

- established in 1942 as part of the Wagner Act, 1935.

National Mediation Board

- authorized by the Railway Labor Act, 1926.

The Federal Mediation and Conciliation Service

- authorized by the Taft-Hartley Act, 1959.

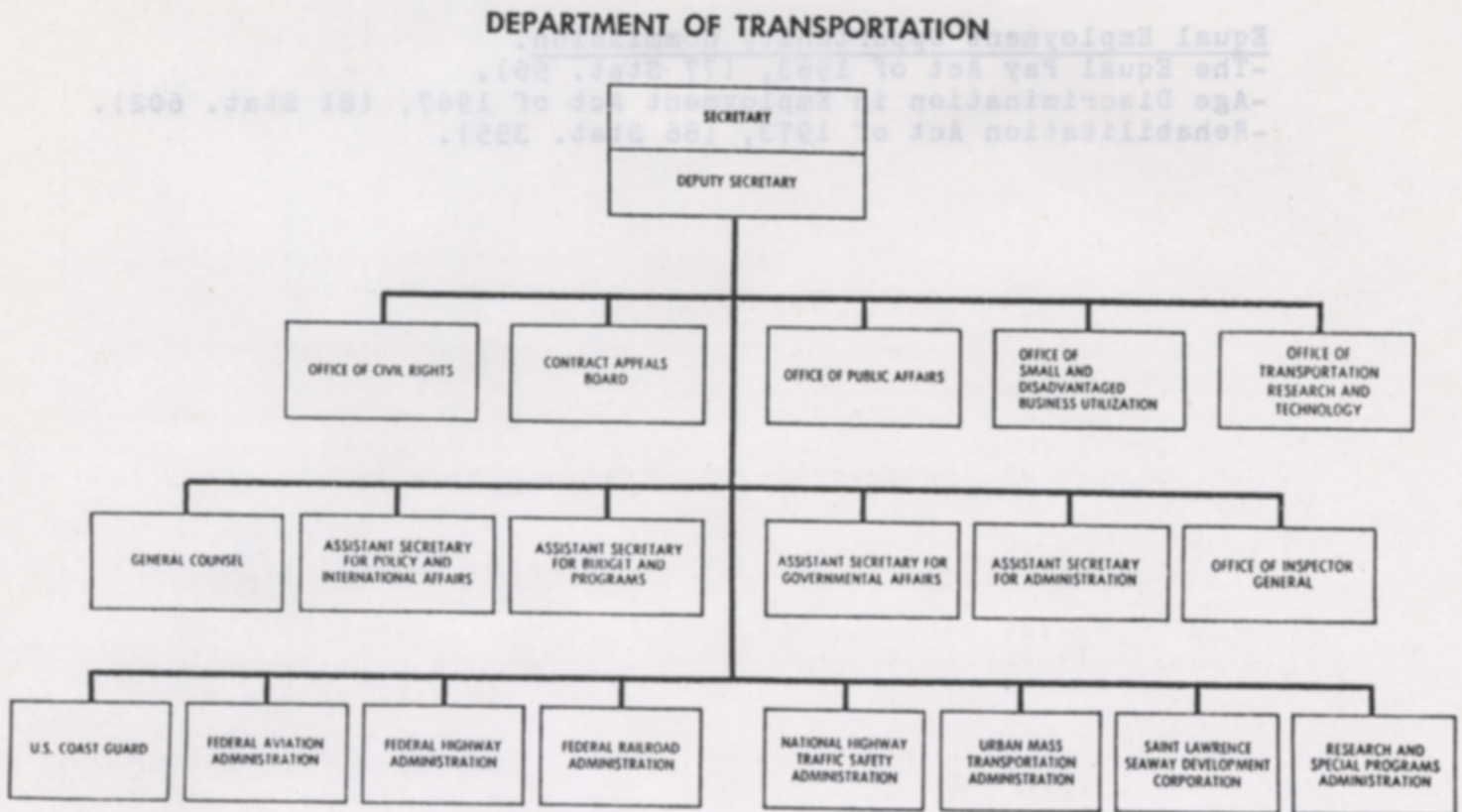
Construction Industry Collective Bargaining Commission

- established by Executive Order 11482, 34 F.R. 14723, September 24, 1969.

Federal Labor Relations Authority.

- Executive Order 12107, 44 F.R. 1044, Sect. 1978.

*Exerts regulatory control.



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: DEPARTMENT OF TRANSPORTATION

PURPOSE:

The Department of Transportation exists to assure coordinated, effective administration of the transportation programs of the Federal Government and to develop national policies and programs that provide fast, safe, efficient, and convenient transportation at the lowest cost consistent with these objectives.

SPECIFIC INDIAN IMPACTS:

A. Hazardous Materials Transportation Across Indian Land

The Federal Highway Administration (FHWA) relies on States to enforce hazardous material regulations. States sign "Cooperative Agreements" with FHWA stipulating the extent to which the State will enforce FHWA regulations.

But, state regulatory agencies have no jurisdiction on Indian lands. Hence an enforcement gap exists with respect to highway shipments. The federal Bureau of Motor Carrier Safety of FHWA, as well as the Federal Railroad Administration with respect to rail shipments, clearly have jurisdiction on Indian land, but they are not staffed to inspect hazardous cargoes travelling through Indian reservations. Should an accident or serious violation occur, a federal inspector would make a report which might result in fine to the violator, and follow-up action would be taken where warranted to assure future compliance with safety requirements.

B. Funding

The Department provides funding to the BIA and the States for construction and improvement of roads crossing Indian reservations. Care must be taken that these programs are fully funded and Indian road projects are not given second-rate treatment.

The Federal-Aid Highway Act of 1973 provides for Department of Transportation funding to assist Indian tribes in financing highway traffic safety projects. These projects are designed to reduce the number of traffic accidents and resulting fatalities, injuries, and property damage within reservations. All Indian tribes on reservations acknowledged by the Federal Government are eligible to receive this assistance. Tribes are reimbursed 75 to 100% of all costs incurred. Funds are limited. During FY 1981, approximately twenty-two recognized tribes were funded under a total grant apportionment of \$986,248. Interested tribes should contact the nearest BIA Area office for assistance and information. Funding has been cut back in recent years and its use restricted so as to not pay for full-time tribal Traffic Safety Coordinators on reservations. This cutback creates a difficult time for tribes trying to get a Highway Safety Program off the ground.

C. Coastal Oil Spill Cleanup

The Coast Guard's responsibility for cleanup of coastal and Great Lakes oil spills and hazardous material spills has a direct impact on coastal Indian tribes. Coastal tribes need to be aware of the preparedness level of the Coast Guard unit in their area to ensure adequate protection of their vital marine ecosystems.

INDIAN SET ASIDE MONEY:*

Under section 402 of the Highway Safety Act of 1966, \$366,000 has been budgeted for highway safety programs on Indian reservations during FY 1982. Currently 22 Indian tribes are participating in such programs.

INDIAN POLICY:*

The department does not have a specific Indian policy, but does include Indians under the Department's civil rights programs along with other minorities.

HISTORY:

The Department of Transportation was established in 1966 and became operational in April 1967. It was formed with elements transferred from eight other major departments and agencies, such as the Departments of Agriculture and Commerce.

CREATION:

Department of Transportation Act, October 15, 1966, (80 Stat. 931, 49 U.S.C. 1651 et. seq.). Became operational in April, 1967.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Interstate Commerce Act, as amended, February 4, 1887, 24 Stat. 379, 49 U.S.C. 1 et. seq.).

-Empowered the Federal Highway Administration to establish safety standards for all commercial motor carriers engaged in interstate and foreign commerce.

Federal Highway Act of 1921 (November 9, 1921, 42 Stat. 212).

-Established the precedent for federal funding of State highways, thereby creating the Federal-aid Highway System. Many state highways go through reservations. BIA-administered highways receive separate funding from Congress.

*Taken from letter received May 12, 1981, Judith Connor, Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation.

Explosives and Dangerous Articles Act, (June 25, 1948, 62 Stat. 738, 18 U.S.C. 831).

-Authorized the Federal Highway Administration to regulate transportation of dangerous cargoes on U.S. highways.

National Highway Safety Act of 1966, (September 9, 1966, P.L. 89-564, 80 Stat. 731).

-Gave the Department authority to establish 18 Traffic Safety Standards, to be implemented by the States. Indian tribes were not included. Matching grants available to States.

Federal-Aid Highway Act of 1973, (August 13, 1973, P.L. 93-87, Title II, 87 Stat. 282).

-Amends the Highway Safety Act of 1966 to make Indian tribes eligible for Federal funding and subject to compliance with Highway Safety Program Standards as practicable.

Natural Gas Pipeline Safety Act of 1968, (August 12, 1968, P.L. 90-481, 82 Stat. 720, 49 U.S.C. 1671 et. seq.).

-Directs the Secretary of Transportation to establish minimum Federal pipeline safety standards for all States, to be enforced by State agencies. Indian tribes are not mentioned in the Act.

Federal Railroad Safety Act of 1970, (as amended, October 16, 1970, 84 Stat. 971, 45 U.S.C. 431, et. seq.).

-Required establishment of safety standards for railroads and provided grants to states for safety programs.

Independent Safety Board Act of 1974, (January 3, 1976, P.L. 93-633, Title IV, 88 Stat. 2166).

-Separated the National Transportation Safety Board from the Department of Transportation and made it an independent agency. NTSB is empowered to investigate serious transportation accidents and make safety improvement recommendations.

Hazardous Materials Transportation Act, (January 3, 1975, P.L. 93-633, 88 Title 1 Stat. 2156).

-Empowered the Secretary of Transportation to make a list of hazardous materials and establish procedure for their packaging and shipping.

-Federal Railroad Administration is authorized under this legislation to develop rail specific regulations for hazardous materials carriage and to enforce hazardous materials regulations with respect to shipping or carriage by rail.

Federal Water Pollution Control Act of 1972, (October 18, 1972, P.L. 92-500 86 Stat. 816, as amended by the Clean Water Act Amendments of 1977, (December 15, 1977, P.L. 95-217, 91 Stat. 1566, 33 U.S.C. 1251 et. seq.).

-Establishes the Coast Guard as a lead agency in implementing the National Contingency Plan for cleanup of oil and hazardous material spills in coastal and Great Lakes waters.

CURRENT PROGRAMS:A. Coast Guard

Normally the Coast Guard is a division of the Department of Transportation, but in wartime it becomes a part of the Navy.

1. Responsible for marine environmental protection. Coordinates response to oil and hazardous material spills in coastal and Great Lakes waters. Maintains a National Strike Force for cleanup activities.
2. Also responsible for search and rescue, maritime law enforcement, commercial vessel safety, Great Lakes pilotage, port safety and security, aids to navigation, administration of bridges across navigable waters, ice operations, licensing and regulating of deep-water ports, boating safety, and marine science activities.

B. Federal Highway Administration

1. Highway Safety. Federal Highway Administration (FHWA) is responsible for safe highway design.
2. Hazardous Material Transportation. FHWA's Bureau of Motor Carrier Safety regulates all commercial interstate motor carriers. Activities include safety inspections at point of origin and roadside checks of vehicles.
3. Funding. DOT finances construction of the 42,500 mile National System of Interstate and Defense Highways on a 90%- Federal/10%-state basis. Improvements on other federal-aid roads (primary, secondary and urban systems) are financed on a 75%-Federal/25%-state basis.
4. Preservation of Historic Sites. The Department is committed to preserving natural beauty along highways, public parks and recreation lands, wildlife and waterfowl refuges, and historic sites.

C. Federal Railroad Administration

1. Railroad Safety. Regulates all phases of the safety of railroad operations, including the shipment or carriage of hazardous material by rail.
2. Financial Assistance for Certain Railroads.
3. Local Rail Service Assistance to States (For Freight).
4. Northeast Corridor Improvement Program.

D. National Highway Traffic Safety Administration

1. Safety Standards. Responsible for setting fuel economy standards, motor vehicles safety standards, vehicle safety certification regulations, vehicle inspection regulations, odometer disclosure regulations, and bumper standards.
2. Research and Development. Conducts research in the areas of vehicle safety standards and driver and pedestrian behavior.
3. Traffic Safety Programs. Provides national leadership and technical assistance to States and communities in the achievement of highway safety programs designed to meet goals of reducing traffic accidents and deaths, injuries and property damage resulting therefrom. Develops national goals and objectives, uniform performance standards for State-community programs, and procedures governing the administration of Federal grants. Traffic Safety Programs Office also plans, manages, and directs a national alcohol highway safety programs.

E. Federal Aviation Administration

1. Air Safety, and use of airspace.

F. Urban Mass Transportation Administration

1. Encourages development of transit on Indian reservations and assures that civil rights protection under Title VI of the 1964 Civil Rights Act, Executive Order 11478 and 11625, Section 504 of the Rehabilitation Act of 1973, as amended, Indian Self-Determination Act of 1975, Section 109 (a) and (b) of the UMTA Standard Grant Contract; and other related policies and procedures are fully extended to Native Americans by the UMTA Office of Civil Rights.

G. Saint Lawrence Seaway Development Corporation

1. A government-owned enterprise responsible for development, operation, and maintenance of the Saint Lawrence Seaway between Montreal and Lake Erie.

H. Research and Special Programs Administration - Materials Transportation Bureau

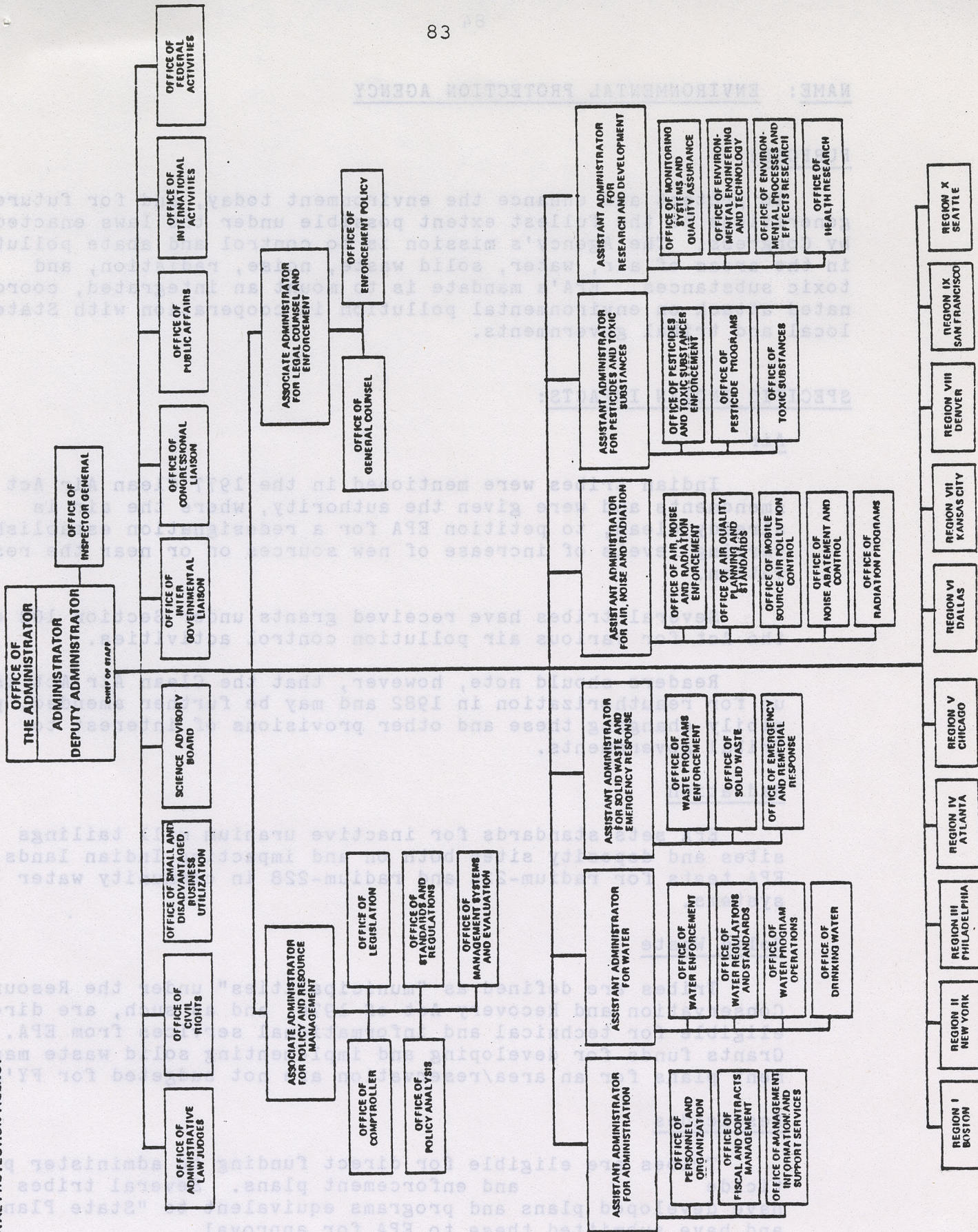
1. Hazardous materials regulation. Sets uniform standards for hazardous materials classification, packaging, placarding, and shipping.
2. Pipeline Safety. Encourages States to assert safety regulatory jurisdiction over all intrastate gas facilities. MTB can provide up to 50% of the cost for a state's natural gas pipeline safety program. MTB and/or the respective state has enforcement authority over private operators for inspection and safety compliance on pipelines across Indian lands.

I. Maritime Administration (MarAd)

1. Operates the U.S. Merchant Marine Academy.
2. Aids in the promotion, development, and operation of the U.S. Merchant Marine fleet.
3. Provides financial aid to the shipping industry.
4. Transferred from the Department of Commerce by P.L. 97-31, August 6, 1981.

U.S. ENVIRONMENTAL PROTECTION AGENCY

83



NAME: ENVIRONMENTAL PROTECTION AGENCY

PURPOSE:

To protect and enhance the environment today, and for future generations to the fullest extent possible under the laws enacted by Congress. The Agency's mission is to control and abate pollution in the areas of air, water, solid waste, noise, radiation, and toxic substances. EPA's mandate is to mount an integrated, coordinated attack on environmental pollution in cooperation with State, local and tribal governments.

SPECIFIC INDIAN IMPACTS:

Air

Indian tribes were mentioned in the 1977 Clean Air Act Amendments and were given the authority, where the air is already clean, to petition EPA for a redesignation establishing varying levels of increase of new sources on or near the reservation.

Several tribes have received grants under Section 103 of the Act for various air pollution control activities.

Readers should note, however, that the Clean Air Act is up for reauthorization in 1982 and may be further amended, possibly changing these and other provisions of interest to Tribal governments.

Radiation

EPA sets standards for inactive uranium mill tailings sites and depository sites both on and impacting Indian lands. EPA tests for radium-226 and radium-228 in community water systems.

Solid Waste

Tribes are defined as "municipalities" under the Resource Conservation and Recovery Act of 1976, and as such, are directly eligible for technical and informational services from EPA. Grants funds for developing and implementing solid waste management plans for an area/reservation are not budgeted for FY'82.

Pesticides

Tribes are eligible for direct funding to administer pesticide and enforcement plans. Several tribes have developed plans and programs equivalent to "State Plans", and have submitted these to EPA for approval.

Water

Tribes are eligible for direct funding under the Clean Water Act to develop and implement waste treatment management plans to control sources of pollution (Section 208). In the past, tribes have put together 208 plans which have been approved and funded by EPA. However, no funds for State or Tribal 208 plans are included in the FY '82 budget.

Under the terms of the Safe Drinking Water Act, as amended, tribes are eligible for assistance aid in the testing and improving of their drinking water. Since 1977, there has been an agreement between EPA, BIA, and IHS regarding the testing of drinking water supplies. One tribe has developed an agreement with EPA including tribal enforcement activities.

INDIAN SET ASIDE MONEY:*

No specific set aside monies, EPA funding to Indian tribes has been and will continue to come from general program funding.

INDIAN POLICY:*

Policy Statement and Principles

It is EPA policy to promote comprehensive environmental management by both states and tribes consistent with the overall aims and objectives of Federal environmental statutes. The Agency will also follow the general Federal policy in support of tribal self-determination; that is, that Indian people should have a central role in decisions affecting the future of reservation life.

It is EPA policy to:

Adapt and manage our national programs in response to the particular legal and political circumstances of Indian reservations so as to assure that these programs protect health and the environment on Indian reservations at least as effectively as elsewhere; and

Promote an enhanced role for tribal government in relevant decisionmaking and implementation of Federal environmental programs on Indian reservations.

* Taken from letter received April 13, 1981 from Walter C. Barber, Jr., Acting Administrator, U.S. Environmental Protection Agency. EPA Indian Policy signed by Barbara Blum, Deputy Administrator, U.S. Environmental Protection Agency, December, 1980.

HISTORY:

EPA was created through Executive Reorganization Plan No. 3 of 1970 and was designed to consolidate a number of Federal environmental activities into a single agency. The plan was sent to Congress on July 9, 1970; EPA was formally established as an independent agency in the Executive Branch on December 2, 1970.

EPA was formed by putting together 15 components from five Executive departments and independent agencies. Air pollution control, solid waste management, radiation, and the drinking water program were transferred from the Department of Health, Education and Welfare. The Federal water pollution control program was taken from Interior. EPA acquired from Agriculture authority to register pesticides and to regulate their use, and from the Food and Drug Administration the responsibility to set tolerance levels for pesticides in food. It also assumed part of pesticide research program from Interior. EPA was assigned some responsibility for setting environmental radiation protection standards from the old Atomic Energy Commission. It also absorbed the duties of the Federal Radiation Council.

The enactment of major new environmental laws and important amendments to older laws in the 1970's greatly expanded the responsibilities of EPA.

CREATION:

EPA was created by Reorganization Plan No. 3 of 1970, effective December 2, 1970, 84 Stat. 2086.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

National Environmental Policy Act, (January 1, 1970, P.L. 91-190, 83 Stat. 852).

-Required Federal agencies to "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement. . . (an EIS)."

Clean Air Act, as amended, (P.L. 90-148, 81 Stat. 485; P.L. 91-604, 84 Stat. 1676; and P.L. 95-95, 91 Stat. 685).

-Provides the basic legal authority for the Nation's air pollution control programs. Requires:

-National Ambient Air Quality Standards for specific air pollutants to protect public health and welfare. Standards have been set for sulfur dioxide, particulates, oxides of nitrogen, carbon monoxide, hydrocarbons, ozone, and lead.

- State Clean Air Plans to outline steps that will be taken to achieve satisfactory air quality. EPA must review these plans and, if necessary, require revisions or substitute its own plan.
- New Source Performance Standards for new, or modified, stationary sources of air pollution. Emission limitations are established for specific types of sources (power plants, cement plants, etc.).
- Hazardous Air Pollutants National Standards limiting emissions (of asbestos, beryllium, mercury, vinyl chloride, and benzene) from new and old stationary sources.
- Prevention of Significant Deterioration of Air Quality in areas which have pristine or good to moderate air quality. States and Tribes, subject to EPA approval, can identify areas of good - Class I, moderate - Class II, and poor air quality - Class III. Class I, which includes all national parks and wilderness areas, permits no additional air pollution. Class II allows additional pollution up to prescribed limits, and Class III areas must conform to general national standards.
- Automobile emission controls which will achieve a 90 percent (1970 levels) reduction of carbon monoxide and hydrocarbon emissions, and the reduction by 75 percent of nitrogen oxide emissions by 1985.

Clean Water Act, as amended, (P.L. 92-500, 86 Stat. 816, and 1977 Amendments, P.L. 95-217, 91 Stat. 1566)

- Provides the basic authority for water pollution control programs. The goals of the Act are to make national waters fishable and swimmable. Requires:
 - Municipal pollution control through a program of federal grants for the construction or modification of sewage treatment plants. 75 percent of these costs are provided by the Federal Government. State Governments establish priority lists for facilities to be funded.
 - Regional Planning to choose the best waste treatment methods for a particular area, including an estimation of effects of future growth on existing facilities. All major metropolitan areas must establish planning agencies, and each State is required to prepare a water quality management plan.
 - Effluent limitations (of both municipal and industrial sources) defining the amount and kinds of material that can be discharged into the Nation's waters. Wastewater discharge permits are issued by EPA or the States to conform to overall limitations.
 - Water Quality Standards established by EPA and are applicable to all surface waters. Standards are set according to the use of the water - agricultural, industrial, recreational, drinking. Standards also include maximum levels for temperature, oxygen supply microbiological content, toxic pollutants, etc.
 - Dredge and Fill permits which regulate dredging, filling wetlands, or dumping of dredged materials that will affect navigable waters. The Army Corps of Engineers, subject to EPA approval, grants the permits. EPA regulates ocean dumping of wastes by designating areas where dumping is permitted, issuing permits, and assessing penalties for authorized dumping (The Marine Protection, Research, and Sanctuaries Act of 1972, P.L. 92-532, 86 Stat. 1052).

Safe Drinking Water Act of 1974, and Safe Drinking Water Amendments of 1977, (P.L. 93-523, 88 Stat. 1660, and P.L. 95-190, 91 Stat. 1393)

- The Safe Drinking Water Act, as amended, grants EPA the authority to regulate public drinking water supplies. Major provisions require or provide for:
 - Primary regulations for the protection of the public health. These establish maximum containment levels for turbidity and for bacteriological, organic, inorganic and radiological contaminants.
 - Secondary regulations relating to the taste, odor, and appearance of drinking water.
 - Measures to protect underground drinking water sources from contamination by underground injection of wastes and other materials.
 - Research and studies regarding health, economics, and technological problems of drinking water supplies.
 - A survey of the quality and availability of rural water supplies.
 - Assistance to States and Tribes in improving drinking water programs through technical assistance, training of personnel, and grant support.

Federal Food and Drug Act, as amended, (September 6, 1958, P.L. 85-929, 72 Stat. 1784)

- Grants EPA authority to establish tolerance levels for pesticide levels in food and animal feed.

Resource Conservation and Recovery Act of 1976, (October 21, 1976, P.L. 94-580, 90 Stat. 2795)

- Authorizes EPA to establish regulations and programs that will ensure safe waste disposal. Requires:
 - Hazardous waste management including the identification of hazardous wastes, and the issuance of standards and regulations that cover the generation, storage, transport, treatment, and disposal of such wastes. Subject to EPA approval, States may establish and supervise their own programs.
 - Solid waste disposal planning that includes Federal funding to encourage States to develop environmentally sound plans for solid waste disposal; A State inventory of all waste disposal sites is required.
 - Funds for research, development, and demonstrations is provided for identifying new methods of waste disposal, resource and energy recovery, and innovative technology.

Federal Insecticide, Fungicide, and Rodenticide Act, as amended (October 21, 1972, P.L. 92-516, 86 Stat. 973)

- Authorizes EPA to regulate the manufacture and distribution of pesticides, and to conduct research into their health and environmental effects. Includes:

- Registration of pesticides, review and approval of labeling (with appropriate directions for use, precautions, and warnings). Pesticides are classified for "general" or "restricted" use. Restricted pesticides may be used only by certified applicators.
- Certified applicators are trained in EPA-approved State or Tribal programs (or by EPA, when there is no existing program).
- Research activities are conducted on the use and effects of pesticides and pesticide alternatives, issuance of experimental use permits, and monitoring of pesticide use and levels in the environment.

Toxic Substances Control Act, (October 11, 1976, P.L. 94-469, 90 Stat. 2003)

- Authorizes EPA to regulate the development, distribution, and marketing of chemical substances. Requires:
 - EPA to prohibit the manufacture, sale, use, or disposal of any new or existing chemical substance found to present an unreasonable risk to health or the environment. EPA can also limit the amount of the chemical that may be manufactured and used, outline methods of use, or require labeling with appropriate safe use and disposal information.
 - EPA to order the manufacturers to do testing if a chemical substance presents an unreasonable risk to health or the environment or if there is insufficient data to evaluate its toxicity, cancer-causing potential, potential for birth defects, or other adverse effects.
 - EPA to identify and priority list up to fifty chemicals, through an interagency committee which determines which chemical is to be tested for health and environmental effects. EPA must initiate, within one year of the listing, testing requirements or publish reasons for not requiring testing.
 - Manufacturers to notify EPA at least 90 days prior to commercial manufacture of a new chemical. A determination is then made whether there is sufficient information about the chemical to predict health and environmental effects. EPA may require additional testing before manufacturing or sale. Pre-marketing notification is also required when there is any significant change in the use or purpose of an existing chemical.
 - EPA and the Department of Health and Human Services to research and monitor into the effects of toxic chemicals.

Radiation

- EPA, along with several other Federal agencies, is responsible for various aspects of protecting the public from dangerous radiation. Acts which give EPA the authority to regulate include:
 - Atomic Energy Act of 1954, P.L. 83-703, 68 Stat. 919
 - The Public Health Service Act of 1962, P.L. 87-692, 76 Stat. 592
 - The Clean Air Act Amendments of 1977, P.L. 95-217, 91 Stat. 1566
 - The Uranium Mill Tailings Radiation Control Act of 1978, P.L. 95-604, 92 Stat. 3021

EPA is primarily responsible for setting radiation guidelines, assessing new technologies, and monitoring radiation in the environment.

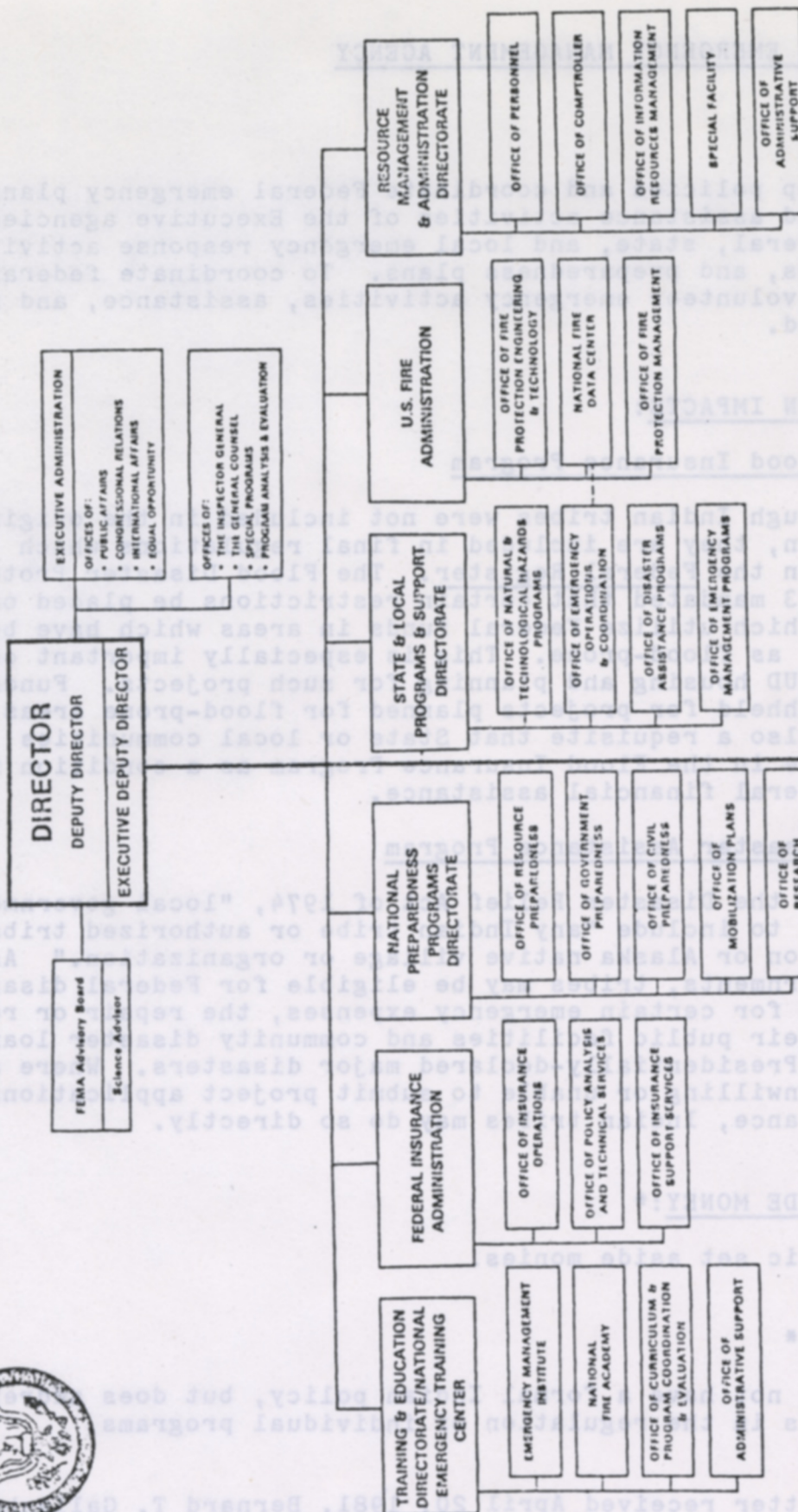
- EPA monitors radiation resulting from above-ground weapons testing, measures ambient radioactivity, monitors drinking water supplies and measures ionizing and nonionizing radiation.
- EPA sets standards for radiation released from nuclear power plants and the processing of uranium and phosphate.
- EPA sets guidelines for radiation levels inside nuclear power plants and other facilities.
- EPA provides guidance, along with the FDA, for the medicinal use of x-rays.
- EPA is to develop standards for the disposal of high-level nuclear wastes, radiation hazard control at active and inactive mill tailings sites, nuclear accident protection plans, cleanup plans for areas contaminated by plutonium, and occupational exposure.

Radiation

EPA, along with several other Federal agencies, is responsible for various aspects of protecting the public from dangerous radiation. Acts which give EPA the authority to regulate include:

- Atomic Energy Act of 1954, P.L. 83-703, 68 Stat. 919
- The Public Health Service Act of 1944, P.L. 87-692, 78 Stat. 592
- The Clean Air Act Amendments of 1977, P.L. 95-217, 91 Stat. 1565
- The Uranium Mill Tailings Radiation Control Act of 1978, P.L. 95-604, 92 Stat. 3051

ORGANIZATION FEDERAL EMERGENCY MANAGEMENT AGENCY



REGIONAL DIRECTORS

I BOSTON	II NEW YORK	III PHILADELPHIA	IV ATLANTA	V CHICAGO	VI DALLAS	VII KANSAS CITY	VIII DENVER	IX SAN FRANCISCO	X SEATTLE
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Approved: [Signature]
Director
Date: 10 Oct 81

NAME: FEDERAL EMERGENCY MANAGEMENT AGENCY

PURPOSE:

To develop policies and coordinate Federal emergency planning, management, and assistance activities of the Executive agencies. To coordinate federal, state, and local emergency response activities, warning systems, and preparedness plans. To coordinate federal, civilian, and volunteer emergency activities, assistance, and relief in time of need.

SPECIFIC INDIAN IMPACTS:

A. Federal Flood Insurance Program

Although Indian tribes were not included in the original legislation, they are included in final regulations which appeared in the Federal Register. The Flood Disaster Protection Act of 1973 mandated that certain restrictions be placed on projects which utilize Federal funds in areas which have been identified as flood-prone. This is especially important considering HUD housing and planning for such projects. Funds may be withheld for projects planned for flood-prone areas. There is also a requisite that State or local communities participate in the Flood Insurance Program as a condition for future federal financial assistance.

B. Federal Disaster Assistance Program

Under the Disaster Relief Act of 1974, "local government" is defined to include "any Indian tribe or authorized tribal organization or Alaska native village or organization." As local governments, tribes may be eligible for Federal disaster assistance for certain emergency expenses, the repair or restoration of their public facilities and community disaster loans following Presidentially-declared major disasters. Where a state is unwilling or unable to submit project applications for assistance, Indian tribes may do so directly.

INDIAN SET ASIDE MONEY:*

No specific set aside monies.

INDIAN POLICY:*

FEMA does not have a formal Indian policy, but does address Indian concerns in the regulation of individual programs.

*Taken from letter received April 20, 1981, Bernard T. Gallagher, Acting Director, Federal Emergency Management Agency. Other suggestions have been incorporated where necessary.

HISTORY:

FEMA was created by Reorganization Plan No. 3 of 1978 in an effort to combine and coordinate Federal emergency activities. Disaster assistance programs from HUD, Commerce, and other agencies were combined, as well as Fire and Emergency Broadcast functions. Focus is on natural disaster situations. Insurance programs such as Flood and Crime were also added. Executive Order 12148 of July 20, 1979 added authority previously delegated or assigned to the Federal Disaster Assistance Administration, the Defense Civil Preparedness Agency, the Federal Preparedness Agency, and the President's functions under the Earthquake Hazards Reduction Act of 1977. E.O. 12155 of September 10, 1979 added new strategic and Critical Stockpiling Authority.

CREATION:

Reorganization Plan No. 3 of 1978. FEMA was originally in the Department of Housing and Urban Development as the Federal Disaster Assistance Administration (FDAA). Consolidation of various activities into FDAA was accomplished by E.O. 11749 (318 FR 34177).

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

National Securities Act of 1947, as amended, Sections 103 and 303, (50 U.S.C. 404, 405), P.L. 80-253, 61 Stat. 495.

Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061 et. seq.).

Federal Civil Defense Act of 1953, as amended (50 U.S.C. app 2251 et. seq.).

Fire Research and Safety Act of 1968, P.L. 90-259, 82 Stat. 34.
-Authorized a national comprehensive fire research and safety program in the Department of Commerce.

Federal Fire Prevention and Control Act of 1974, P.L. 93-498, 88 Stat. 1535.

-Established the National Fire Prevention and Control Administration Fire Research Center.

Federal Fire Prevention and Control Act of 1974, Amendments, P.L. 95-422, 92 Stat. 92.

-Provided for a study of the effectiveness of smoke detectors, heat detectors, and sprinkler systems.

Federal Flood Insurance Act of 1956, P.L. 84-1016, 70 Stat. 1078.

-Established a program for reimbursing and insurance against risks of loss from floods. Encouraged private insurance companies to write programs. Established a program of loans to assist victims.

Executive Order 11296, August 10, 1966.

- Provided that all Federal agencies consider flood plains in activities on Federal lands and facilities.

National Flood Insurance Act of 1968, P.L. 90-448, 82 Stat. 476, August 1, 1968 (Title XIII of the HUD Act of 1968).

- Established a flood insurance program. Encouraged State and local governments to consider flood hazards in land development activities. Encouraged private lending and credit companies to assist in the national objectives. Authorized continuing studies of flood hazards to minimize losses, and to review the current program.

Housing and Urban Development Act of 1968, P.L. 90-448, 82 Stat. 566.

- Created the position of Federal Insurance Administration.

Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat. 975.

- Further restricted federal funds in areas identified as flood-prone, and not having floodplain management ordinances.

Housing and Community Development Amendments of 1979, December 21, 1979, P.L. 96-153, 93 Stat. 1101.

- Federal Flood Insurance Administration transferred to FEMA.

Housing and Urban Development Act of 1970, P.L. 91-609, 84 Stat. 1770 (Title VI).

- Established Federal Crime Insurance Program which provided crime insurance for both residential and commercial applicants.

Strategic and Critical Materials Stockpiling Act of 1979 (50 U.S.C. 98 thru 98H).

Disaster Relief Act of 1974, P.L. 93-288, 88 Stat. 143.

- Provided Federal assistance for reconstruction and assistance to victims of disasters. Provided for the Governor of the affected state to make request for federal assistance.

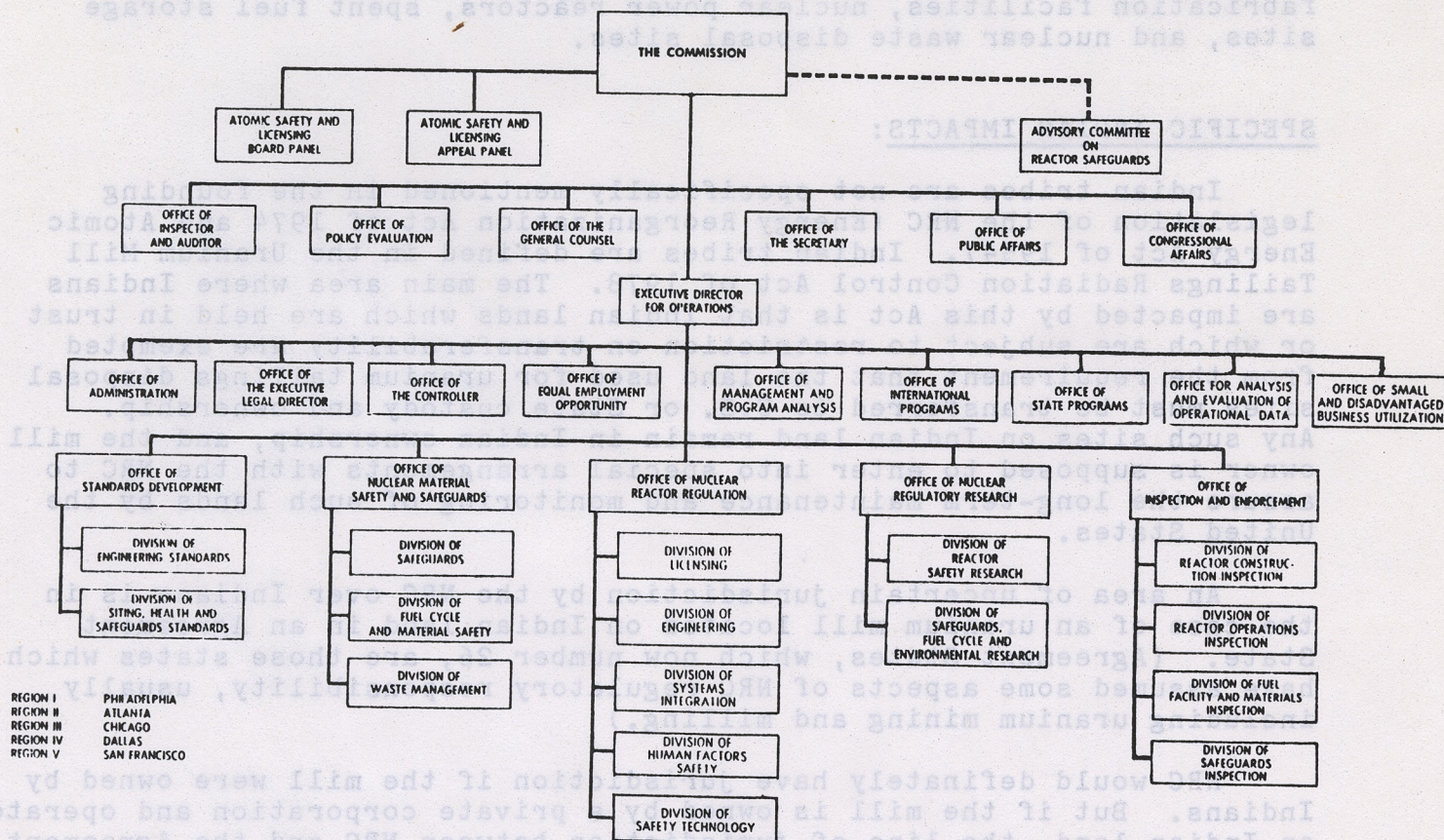
Earthquake Hazards Reduction Act of 1977, P.L. 95-128, 91 Stat. 1111.

- Provided for a research program, the Earthquake Hazards Reduction Program which will research various aspects surrounding such occurrences.

AREAS OF RESPONSIBILITY WITHIN THE AGENCY:

- Federal Fire Prevention and Control Program
- Federal Insurance Administration
- National Insurance Development Program
- Federal Flood Insurance Program
- Federal Crime Insurance Program
- Federal Disaster Assistance
- Emergency Broadcast System
- Emergency Preparedness
- Civil Defense
- Earthquake Hazards Reduction Program
- Radiological Emergency Response plans around nuclear power plants.

NUCLEAR REGULATORY COMMISSION



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: NUCLEAR REGULATORY COMMISSION

PURPOSE:

The Nuclear Regulatory Commission is an independent regulatory agency responsible for licensing and regulating the civilian uses of nuclear energy to protect public health, safety, and the environment. This includes making rules, setting standards, inspecting and assuring operator qualifications in uranium mills, uranium enrichment and fuel fabrication facilities, nuclear power reactors, spent fuel storage sites, and nuclear waste disposal sites.

SPECIFIC INDIAN IMPACTS:

Indian tribes are not specifically mentioned in the founding legislation of the NRC (Energy Reorganization Act of 1974 and Atomic Energy Act of 1954). Indian tribes are defined in the Uranium Mill Tailings Radiation Control Act of 1978. The main area where Indians are impacted by this Act is that Indian lands which are held in trust or which are subject to restriction on transferability are exempted from the requirement that the land used for uranium tailings disposal sites must be transferred to U.S. or State custody and ownership. Any such sites on Indian land remain in Indian ownership, and the mill owner is supposed to enter into special arrangements with the NRC to assure the long-term maintenance and monitoring of such lands by the United States.

An area of uncertain jurisdiction by the NRC over Indians is in the case of an uranium mill located on Indian land in an Agreement State. (Agreement States, which now number 26, are those states which have assumed some aspects of NRC regulatory responsibility, usually including uranium mining and milling.)

NRC would definitely have jurisdiction if the mill were owned by Indians. But if the mill is owned by a private corporation and operated on Indian land, the line of jurisdiction between NRC and the Agreement State is uncertain.

The principal area of impact by the NRC on Indians is in the siting of nuclear reactors, uranium mills, and waste disposal sites. The NRC's role is to license these facilities. Indians have the same privileges and responsibilities as other citizens to participate in the licensing and permitting hearings. New rules for high-level and low-level waste disposal make NRC officials available to tribes for consultation on license applications, and give tribes the same opportunity as states to participate with NRC staff in evaluating waste disposal license applications.

New NRC regulations also require emergency evacuation plans for areas around nuclear reactors. There is no special consideration for tribes written into these regulations, so tribes located near nuclear reactors need to be vigilant in ensuring that the tribe is included in the state and county emergency evacuation plans. Tribes may also want to have evacuation procedures of their own.

INDIAN SET ASIDE MONEY:*

None.

INDIAN POLICY:*

NRC has no definite Indian policy other than to recognize Indian interests in specific areas and provisions. Recently approved procedural rules (10 CFR Part 60) contain special provisions for tribal participation. Another draft rule (10 CFR Part 61) contain similar provisions.

HISTORY:

The Atomic Energy Commission was established in 1946 to promote atomic energy development as well as to ensure its safety. In 1975 the AEC was abolished and the regulatory and licensing functions were transferred to the NRC. It is largely regarded by environmentalists as having been pro-nuclear and lenient on safety considerations until the Three Mile Island accident on March 28, 1979. The Kemeny Commission investigating the accident recommended a major reorganization of the NRC, and many of these changes have been made.

CREATION AUTHORITY:

Energy Reorganization Act of 1974, (P.L. 93-438, 88 Stat. 1233) and Executive Order 11834 of January 15, 1975

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Atomic Energy Act of 1954, P.L. 83-703, 68 Stat. 919, August 20, 1954, 42 USC 2011.

- Replaced the Atomic Energy Act of 1946, which established the Atomic Energy Commission. In 1975 the AEC split into the Nuclear Regulatory Commission and Energy Research and Development Administration.
- Gives authority for States to regulate radiation hazards within their borders by signing cooperative agreements with NRC. ("Agreement States")
- Gives NRC authority to regulate all aspects of the nuclear fuel cycle except uranium mining and the military and research aspects which are self-regulated by DOE.

*Taken from letter received from John B. Martin, Director, Division of Waste Management, Washington, D.C., May 27, 1981

Other information provided by Thomas Engelhardt, Office of the Executive Legal Director, Washington, D.C., June 11, 1981

Uranium Mill Tailings Radiation Control Act of 1978, P.L. 95-604, November 8, 1978, 92 Stat. 3021

- Title II gives NRC jurisdiction over uranium mill tailings. It requires a license for production of tailings, a written Environmental Impact Statement before licensing, and federal or State ownership of tailings sites when production ceases, except on Indian land where ownership remains with the tribe.

Amendment to the Uranium Mill Tailings Radiation Control Act in the Surface Transportation Assistance Act of 1978 Amendment, P.L. 96-106, Section 22, November 9, 1979, 93 Stat. 799.

- Gives Agreement States the authority until November 7, 1981, to implement the new NRC tailings regulations "to the extent practicable."

REGULATORY FUNCTIONS:

1. Licensing of nuclear reactors:
 - Step 1 - Construction Permit
 - Public hearings conducted by the Atomic Safety and Licensing Board.
 - Step 2 - License to load fuel and start reactor
 - Issued by the Office of Nuclear Reactor Regulation.
2. Licensing of nuclear processing, transporting, and handling facilities:
 - Office of Nuclear Material Safety and Safeguards
3. Inspecting nuclear reactors and other facilities:
 - Office of Inspection and Enforcement
4. Setting standards for safe operation:
 - Office of Regulatory Research
5. Ensuring compliance of uranium mills in non-agreement states with NRC regulations. Also ensures proper disposal of mill tailings in all states either through its own inspection or by requiring agreement states to enforce strict standards.
 - Entire Commission
6. Transportation - NRC sets packaging standards for radioactive materials and grants licenses for anyone possessing significant quantities of nuclear material anywhere along the nuclear fuel cycle after the production of yellowcake. If that possession is solely for the purpose of transporting the material, however, no license is needed. Carriers are subject to Department of Transportation regulations governing carriage of hazardous materials.

NAME: OFFICE OF MANAGEMENT AND BUDGET

PURPOSE:

OMB serves as advisor to the President by conducting reviews of the management procedures of the executive branch, and making recommendations to improve such operations. OMB assists the President in the preparation of the Government's Budget; in the formulation of proposed legislative changes; and in the assessment of program objectives, performance and efficiency. OMB is responsible for evaluating the performance of Federal programs and as such performs the following activities: encouraging interagency and intergovernmental cooperation and coordination; providing overall direction of procurement policies, regulations, and procedures for executive agencies; developing and managing programs to improve the quality efficiency, and performance of acquisition and procurement personnel; and implementing new initiatives on information policy, paperwork reduction and regulatory reform.

SPECIFIC INDIAN IMPACTS:

OMB affects Tribal governments by administrative regulatory methods. Indian tribes have been encouraged to participate in Federal programs, and therefore, the regulations and requirements for the financial and management of those programs have placed burdens on tribal governments, mainly in the areas of indirect costs for administration of such programs.

The dates for the Federal fiscal year (October 1 to September 30), in general, may not coincide with the tribal fiscal year, again placing burdens on tribal governments.

OMB assists the President in the preparation of the Federal Budget and therefore, has another impact on program activities at the tribal level. Cutbacks in appropriations for Federal programs in general are a major concern of tribal governments as they are more greatly affected than other recipients (they are also more sensitive to increases and exclusions). Because department budgets are prepared by top level staff, Indian concerns may not be on the priority list. Audits and other reviews of programs may have adverse affects on future funding of tribal programs.

OMB carries out many of its activities by the publication of various circulars which contain policy guidelines. Again, these affect program management at the Tribal level.

INDIAN SET ASIDE MONEY:*

None.

INDIAN POLICY:*

None.

* Taken from letter received August 31, 1981, from Edwin L. Dale, Jr., Assistant to the Director for Public Affairs, Washington, D.C.

HISTORY:

OMB was established in 1970; however, activities concerning budgeting, accounting, and other management related activities had been occurring before this reorganization. The Bureau of the Budget had been established in the Treasury department, and the various Acts had defined its function. With the Reorganization Act of 1970, the responsibility has been transferred to the Chief Executive, the President.

CREATION:

Reorganization Plan No. 2 of 1970, effective July 1, 1970, 35 FR 7959.

OTHER STATUTORY AUTHORITIES/RESPONSIBILITIES:

Budget and Accounting Act, 1921, June 10, 1921, P.L. 67-13, 42 Stat. 20

- Provided for a national system of budgeting and a mechanism for governmental audits.
- Provided for the President to send to Congress the Government Budget for approval. The Budget is to include: Estimates of expenditures and appropriations for the next fiscal year; expenditures and receipts of the last fiscal year; and other financial reports of the Government's financial condition.
- Created in the Treasury Department a Bureau of the Budget. The Bureau, when directed by the President, may make detailed studies of departments concerning finances, and may report these findings to Congress. The Bureau may also make recommendations concerning changes in present laws or parts of such laws.
- Transferred functions and responsibilities of the Division of Bookkeeping and Warrants from the Office of the Secretary of the Treasury to the Bureau.
- Created the General Accounting Office and placed it under the direction of the Comptroller General of the U.S. GAO may "investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds." It may also investigate and report to either House of Congress any violations made by departments.

Federal Reports Act of 1942, December 24, 1942, P.L. 77-831, 56 Stat. 1078.

- Provided for a system of reporting to various Federal agencies that places minimum burden on business enterprises and other who must do such reporting. Is intended to eliminate duplication in such reporting activities.

Government Corporation Control Act, December 6, 1945, P.L. 79-248, 59 Stat. 597.

- Provided for a system of accountability for Government Corporations (wholly-owned and mixed-ownership). Such corporations are required to submit, through the Bureau of Budget, to the President annual budgets.

Budget and Accounting Procedures Act of 1950, September 12, 1950, P.L. 81-784, 64 Stat. 832.

- Amended the 1921 Budget and Accounting Act by further refining and defining financial activities concerning the Federal Budget various other reporting mechanisms, systems, and inclusions.

Federal Advisory Committee Act, October 6, 1972, P.L. 92-463, 86 Stat. 770.

- Provided for a general review of each advisory committee of the Congress including recommendations for abolishment or termination.
- OMB is responsible, by the establishment of a Committee Management Secretariat, to conduct such reviews. Recommendations are to be made to the Congress and the President.
- Defined the role, procedures and activities of Advisory Committees, and provided for a system of financial accountability of such Committees.

Congressional Budget and Impoundment Act of 1974, July 12, 1974 P.L. 93-344, 88 Stat. 297.

- Amended several earlier Acts concerning Federal accounting and reporting.
- Changed the Federal fiscal year to begin on October 1 and end on September 30 of each year.
- Provided for a mechanism for Congress to use when the President attempts to defer spending agency money already appropriated (impoundment). Congress may block this activity by passing language which would not allow the deferral.
- Provided for another mechanism which would block Presidential attempts to not obligate money appropriated (recission). To accomplish this action, the President must have congressional approval.
- Provided for the President to send to Congress a detailed report when either impoundment or recission attempts are made.
- Established Budget Committees in Congress.

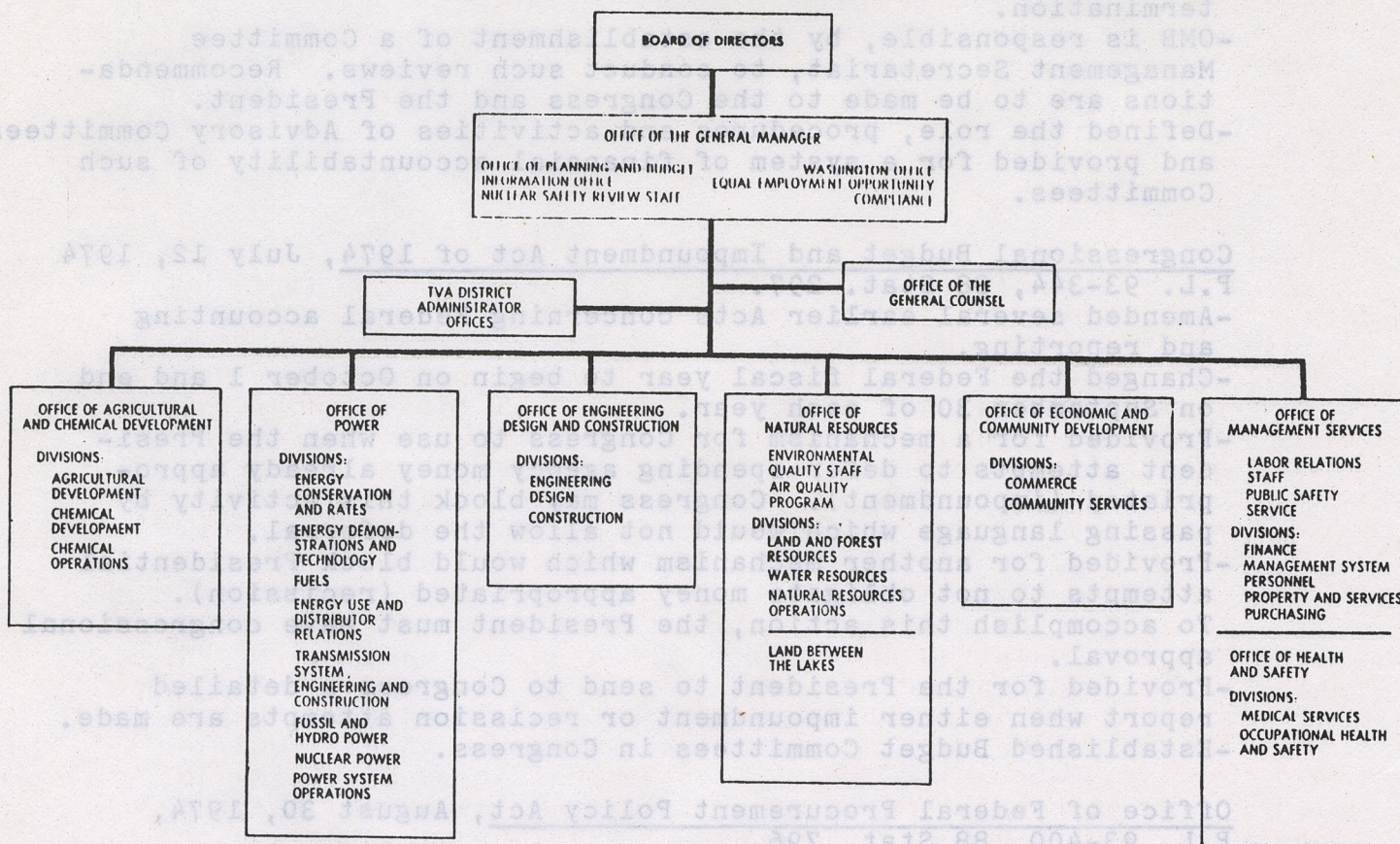
Office of Federal Procurement Policy Act, August 30, 1974, P.L. 93-400, 88 Stat. 796.

- Established an Office of Federal Procurement Policy in OMB which oversees the procurement activities of executive agency programs. Annual reports are to be made to the Congress and the President.

Privacy Act of 1974, December 31, 1974, P.L. 93-579, 88 Stat. 1896.

- Provided for a system of protection to ensure individual privacy from the misuse of Federal records. Includes penalties for Federal employers who disclose such information.
- Provided for a mechanism for individuals to obtain records about themselves which have been gathered and maintained by various Federal agencies.
- Established a Privacy Protection Study Commission which would conduct a study of the various methods, and processes used by the government and private organizations, and make recommendations about those activities which would protect the rights of individuals.

TENNESSEE VALLEY AUTHORITY



Source: United States Government Manual 1981 - 82, May 1, 1981

NAME: TENNESSEE VALLEY AUTHORITY

PURPOSE:

TVA is a corporate agency and instrumentality of the United States, organized and existing pursuant to the Tennessee Valley Authority Act of 1933, as amended, whose general objective it is to improve navigability and provide flood control of the Tennessee River; produce and distribute electric power consistent with these purposes; provide for the agricultural and industrial development of the Tennessee Valley; and foster an orderly and proper physical, economic, and social development of the Tennessee Valley.

SPECIFIC INDIAN IMPACTS:

A. Uranium Mining:

Even though TVA's service area was restricted in 1959, their influence is felt as far away as New Mexico and Wyoming, where uranium is mined to fuel TVA's nuclear power plants. In 1978, TVA invested \$47 million in acquiring and developing uranium property interests in Wyoming, South Dakota, New Mexico and other states. TVA has a 25% undivided interest in the production from Crownpoint, New Mexico (on the Navajo Reservation) properties with Mobile Oil Corporation. They have also purchased a 50% undivided interest in the neighboring Dalton Pass uranium properties from the United Nuclear Corporation.

TVA stated that: "TVA was created to develop the natural resources of the Tennessee Valley region and to promote the general welfare of the people. We learned early in our existence that these goals could only be achieved in a working partnership with the people in the Valley and that sound management of natural resources depends to a large extent on protecting and enhancing the environmental amenities. This experience has shaped the approach TVA takes toward all of its activities regardless of where they are located, and we are striving to develop the same cooperative relationship in resolving problems with affected Indian tribes as we have with the communities and people in the Tennessee Valley."*

Because TVA is a newcomer in the West, its actions will be closely monitored in hopes that the impacts of uranium mining will be carefully considered and that past mistakes will not be repeated. TVA has indicated that they will work closely with the Navajo tribe "to find a manner in which the uranium resources can be developed for the Navajos' and TVA's mutual benefit, which not only improves the economic well-being of the Navajo people but which also preserves the Navajo's cultural heritage."*

*Taken from letter from S. David Freeman, Chairman of the Board of Directors, TVA, dated May 20, 1981.

B. The Tellico Dam:

Since 1967, when the dam was first planned, it had been a controversial project. Besides destroying 6,500 acres of prime farmland in three counties; the lower portion of the Little Tennessee River, as a free-flowing river; the homesteads of hundreds of evicted families; the dam destroyed a historical record, perhaps as important as all of these other losses put together. The Little Tennessee and surrounding areas were once the homeland of the Cherokee. In the course of its construction of the Tellico, TVA contracted with the University of Tennessee's Anthropology Department to excavate the area. In the process, they uncovered evidence of human occupation of the region as far back as the Early Archaic Era, circa 7,500 B.C. Included in the designated 285 sites discovered are the remains of 64 Cherokee tribal towns, 500 pre-eighteenth century Cherokee skeletons, and over 1,000 Cherokee skeletons from the post-eighteenth century period. Only about 5% of the surface had been scratched when the flooding of the valley was resumed.

According to Chairman Freeman: "(Finally), it should be recognized that TVA was under a congressional directive to complete the Tellico Dam and Reservoir project. Congress determined that the benefits of the project (power, navigation, flood control, water supply, shoreline industrial development, recreation, and fish and wildlife resources) outweighed the project's adverse impacts, including the loss of 6,500 acres of prime farmland. The impoundment did destroy much of the historical record of pre-Cherokee and Cherokee occupation of the area. However, because of the efforts of TVA and its archaeological consultants, the record and knowledge of such occupation were substantially increased. TVA is currently working closely with the Cherokee Nation's Eastern Band on an acceptable and proper method of reinterring the Cherokee remains removed for study."*

The completion of the Dam brought to mind the old prophecy, that, "if the homeland of our fathers is covered with this water," said 80 year old Lloyd Sequoyah, "it will cover the medicine and spiritual strength of our people...when this place is destroyed, the Cherokee people cease to exist...then all the people of the earth cease to exist."

INDIAN SET ASIDE MONEY:*

None specifically.

INDIAN POLICY:*

None specifically; however, TVA stresses that its cooperative and working partnership with local people will be followed when dealing with Indian tribes.

*Taken from letter from S. David Freeman, Chairman of the Board of Directors, TVA, dated May 20, 1981.

HISTORY:

In an effort to carry out the broad statutory objectives, TVA moved to provide for the balanced growth of the Valley region. TVA has constructed and acquired several dams and reservoirs in the Tennessee River system to provide for improved navigation and flood control. This is to contribute to the economic and social well-being of Valley residents. Consistent with the purposes of flood control and navigation, TVA operates its dams for the generation of hydro-electric power and has become supplier for all the power in its service area. TVA's power system has grown over the years to meet the increased energy demands brought about by the rapid growth in the Tennessee Valley. Today, the TVA system supplies power at wholesale to 160 municipal electric systems and rural electric cooperatives in Tennessee and 6 neighboring states (2.6 million customers). TVA is attempting to provide an adequate supply of electricity while emphasizing at the same time conservation and sensible development of the Nation's limited natural resources.

CREATION:

The Tennessee Valley Authority Act of 1933, 48 Stat. 58, as amended, 16 U.S.C. ss 831-831dd (1976; Supp. III, 1979).

CURRENT PROGRAMS:A. Appropriated Programs

- Natural resource management
- Economic and Community Development
- Valley Agricultural Development
- National Fertilizer Development
- National Energy Demonstrations
(Biomass, waste heat utilization-application, and coal gasification)

B. Jointly Funded Programs

- Natural resources
(reservoir system operations and release improvement)
- National Energy Demonstration
(transportation, solar energy, fuel cell, atmospheric fluidized-bed combustion or AFBC)

C. Power-Funded Programs

- Energy Conservation
(home insulation, heat pump financing, commercial and industrial energy conservation)
- Solar and Renewable Energy
(solar water heater, wood heater, solar homes, commercial and industrial biomass, Watt's Bar Nuclear Power Plant waste-water heat)
- Load Management
(air-condition cycling, water-heater cycling, Thermal Storage field test, and energy use display meter test).

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