Statement Provided for the Record - Witness did not appear due to furlough situation

STATEMENT OF HILDA MANUEL, DEPUTY COMMISSIONER, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON NATIVE AMERICAN AND INSULAR AFFAIRS, COMMITTEE ON RESOURCES, ON S. 325, A BILL "TO MAKE CERTAIN TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS AND FOR OTHER PURPOSES."

November 14, 1995

Good afternoon Mr. Chairman and Members of the Committee. It is my pleasure to come before you today to present the Department of the Interior's views on S. 325, a bill "To make certain technical corrections in laws relating to Native Americans, and for other purposes."

S. 325 contains provisions which cover a number of Indian laws. Many of these provisions are purely technical in nature; correcting citations, typographical errors and references. Although we have no objection to most of these provisions, we would like to comment on specific sections of the bill.

Section 3 of S. 325 repeals the Trading With Indians Act. The Act was enacted in the 1800's to prevent Federal employees, such as Indian agents, from using their positions to exploit Indians. At the time of enactment this statute was needed and indeed served a purpose. However, the Act has over time become archaic and has resulted in significant adverse impacts on employees with the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA)

and their families. Therefore, we support section 3 repealing the Trading With Indians Act.

We may have concerns with section 14 of S. 325, which would amend section 5 of the Ponca Restoration Act by modifying the service area of the Tribe to include Indians living in several additional counties in the State of Nebraska, as well as two counties in the State of Iowa. At this time we have not had adequate time to review this provision and its impact. Administrative costs could increase and result in a substantial economic impact to the Area Office at a time when Indian monies are being cut. With this in mind we feel that we must take a closer look at this section and therefore reserve comment until we have had adequate time to review this section. We will provide our views on this section at a later date.

Section 16 of the bill would modify the definition of the term Indian "Health Profession" to allow IHS flexibility in awarding scholarships, offering loan repayments. In addition, section 16 would amend the Act to allow flexibility in meeting service obligations and notice provisions dealing with collection action; as well as instances where loan repayment would cause extreme hardship. Also, any obligation for service or payment by an

individual to the IHS would expire upon their death. Although we see the merit of section 16 provisions, we defer to the IHS for a position.

This concludes my prepared statement. I would be happy to answer any questions you may have.