

111th Congress }

COMMITTEE PRINT

{ S. PRT.
111-71

HISTORY, JURISDICTION, AND SUMMARY
OF LEGISLATIVE ACTIVITIES

OF THE

UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS

DURING THE

ONE HUNDRED ELEVENTH CONGRESS

2009-2010



Printed for the use of the Committee on Indian Affairs

U.S. GOVERNMENT PRINTING OFFICE

78-150

WASHINGTON : 2013

COMMITTEE ON INDIAN AFFAIRS

BYRON L. DORGAN, North Dakota, *Chairman*

JOHN BARRASSO, Wyoming, *Vice Chairman*

DANIEL K. INOUE, Hawaii

KENT CONRAD, North Dakota

DANIEL K. AKAKA, Hawaii

TIM JOHNSON, South Dakota

MARIA CANTWELL, Washington

JON TESTER, Montana

TOM UDALL, New Mexico

AL FRANKEN, Minnesota

JOHN MCCAIN, Arizona

LISA MURKOWSKI, Alaska

TOM COBURN, M.D., Oklahoma

MIKE CRAPO, Idaho

MIKE JOHANNES, Nebraska

ALLISON C. BINNEY, *Majority Staff Director and Chief Counsel*

DAVID A. MULLON JR., *Minority Staff Director and Chief Counsel*

I. HISTORY AND JURISDICTION

A. *Summary.* In 1977, the Senate re established the Committee on Indian Affairs, making it a temporary Select Committee (February 4, 1977, S. Res. 4, § 105, 95th Congress, 1st Sess. (1977), as amended). The Select Committee was to disband at the close of the 95th Congress, but following several term extensions, the Senate voted to make the Committee permanent on June 6, 1984. The Committee has jurisdiction to study the unique problems of American Indian, Native Hawaiian, and Alaska Native peoples and to propose legislation to alleviate these problems. These issues include, but are not limited to, Indian education, economic development, land management, trust responsibilities, health care, and claims against the United States. Additionally, all legislation proposed by Members of the Senate that specifically pertains to American Indians, Native Hawaiians, or Alaska Natives is under the jurisdiction of the Committee.

B. *History.* The Senate Committee on Indian Affairs had been in existence since the early 19th century, until 1946, when a legislative reorganization act abolished both the House and Senate Committees on Indian Affairs. After 1946, Indian affairs legislative and oversight jurisdiction was vested in subcommittees of the Interior and Insular Affairs Committees of the House of Representatives and the Senate. While this subcommittee arrangement may not have specifically reflected a diminishment of the consideration given Indian affairs by the Congress, the revised arrangement historically coincided with a 20 year hiatus in Indian affairs known as the "Termination Era"—a period in which the prevailing policy of the United States was to terminate the Federal relationship with Indian tribes and to transfer jurisdiction over tribal lands to the states.

By the mid-1960s, the Termination philosophy was in decline as a failed policy, and Congress began to include Indian tribes in legislation designed to rebuild the social infrastructure of the Nation and provide economic opportunities for economically depressed areas. In the early 1970s, the Termination era was decisively ended with the enactment of the Menominee Restoration Act of 1973. Although a number of important legislative initiatives affecting Indians were enacted in the early 1970s, it became clear that the existing subcommittee structure was not providing an adequate forum for legislating appropriate solutions to problems confronting Indian country. Legislative jurisdiction over Indian affairs was fragmented among a number of committees. Overall, more than 10 committees in Congress were responsible for Indian affairs, a situation which resulted in a sometimes disjointed treatment of Indian affairs and in an often haphazard development of Federal Indian policy.

C. *Re-Establishment of Committee.* In 1973, Senator James Abourezk introduced Senate Joint Resolution No. 133 to establish

a Federal commission to review all aspects of policy, law, and administration relating to affairs of the United States with American Indian tribes and people. The Senate and the House of Representatives both adopted S.J. Res. 133, and on January 2, 1975, the Resolution was signed into law (see Public Law 93-580) by the President, thus establishing the American Indian Policy Review Commission (Commission). As the work of this Commission progressed, it became apparent that a Senate committee with full legislative and oversight authority was needed to receive the report of the Commission and to act upon its recommendations. Indeed, one of the final recommendations of the Commission was that a full fledged Indian Affairs Committee be established in the Senate.

At the same time the Commission was formulating its recommendation for the establishment of an Indian Affairs Committee, the Senate was developing a far reaching proposal for reorganization of the entire Senate committee system. Under this proposal, the Subcommittee on Indian Affairs under the Committee on Interior and Insular Affairs was to be abolished with its natural resource functions to be distributed among other newly formed Senate committees and its human resources functions to be transferred to the Senate Committee on Labor and Human Resources.

In view of the pending report of the Commission and its anticipated recommendations, however, the Senate revamped its committee reorganization proposal to include the establishment of a temporary select committee to receive the Commission's report and to act on its recommendations. Thus, there was included within Senate Resolution 4 of February 4, 1977, the Committee System Reorganization Amendments of 1977, a provision to establish a Select Committee on Indian Affairs with full jurisdiction over all proposed legislation and other matters relating to Indian affairs. With the commencement of the 96th Congress, the Select Committee on Indian Affairs was to expire and jurisdiction over Indian matters was to be transferred to the Senate Committee on Labor and Human Resources.

As the Select Committee on Indian Affairs grappled with the report of the Commission and the many other Indian issues that were presented to it during the 95th Congress, it became increasingly evident that if the Congress was to continue to meet its constitutional, legal, and historical responsibilities in the area of Indian affairs, an ongoing legislative committee with adequate expertise and resources should be re established in the Senate.

Senate Resolution 405, to make the Select Committee on Indian Affairs a permanent committee of the Senate, was introduced by Senator Abourezk on February 22, 1978. The measure was amended by the Senate Committee on Rules and Administration to extend the life of the committee for two years until January 2, 1981, and was agreed to, as amended, by the Senate on October 14, 1978. In the 96th Congress, Senator John Melcher, who was at the time Chairman of the Select Committee on Indian Affairs, introduced Senate Resolution 448 to make it a permanent committee. The Resolution had 28 cosponsors, and was reported by the Committee on Rules and Administration with an amendment to extend the Select Committee to January 2, 1984, and to expand the membership to

seven members commencing in the 97th Congress. Senate Resolution 448 was adopted by the Senate on December 11, 1980.

D. *Permanent Committee.* On April 28, 1983, Senator Mark Andrews, Chairman of the Select Committee on Indian Affairs in the 98th Congress, introduced Senate Resolution 127 to make the Committee a permanent committee. This Resolution had 28 cosponsors. On November 1, 1983, the Senate Committee on Rules and Administration voted unanimously to report the Resolution without amendment, and the Resolution was so reported on November 2, 1983 (S. Rept. 98 294). On November 18, 1983, the last day of the first session of the 98th Congress, the Senate agreed to an extension of the Select Committee to July 1, 1984, in order to allow time for debate. By the time Senate Resolution 127 was brought to the floor for consideration there were 60 cosponsors. On June 4, 1984, the Select Committee on Indian Affairs was made a permanent committee of the Senate (S. Res. 127, 98th Cong., 2nd Sess.). In 1993, the Select Committee on Indian Affairs was re-designated as the Committee on Indian Affairs (§ 25, S. Res. 71, 103rd Cong., 1st Sess.).

E. *Committee Membership.* The number of members serving on the Committee has expanded since its formation in 1977. At the time the Committee was formed in the 95th Congress, there were five members. The membership remained at five in the 96th Congress, but grew to seven in the 97th Congress. The membership increased to nine in the 99th Congress, and by the 101st Congress, the Committee membership grew to 10. In the 102nd Congress, the membership of the Committee expanded to 16 members. A further increase occurred in the beginning of the 103rd Congress when the membership was expanded to 18. In the 104th Congress, the Senate only named 17 of its members to serve on the Committee, and elected Senator John McCain as Chairman and Senator Daniel K. Inouye as Vice Chairman. The Senate further amended the membership of the Committee to 16 later in the 104th Congress.

In the 104th Congress, the Senate agreed to amend again the membership of the Committee from 16 to 14 members. In the 107th Congress, the Senate appointed 15 members to the Committee. In May, 2001 Senator Jim Jeffords left the Republican Party to become an Independent. At that time Senator Ben Nighthorse Campbell relinquished the Chairmanship to become Vice Chairman of the Committee and Senator Inouye became Chairman. In the 108th Congress, Senator Campbell re-assumed the Chairmanship and Senator Inouye served as Vice Chairman with 14 members on the Committee. In the 109th Congress, Senator McCain served as Chairman and Senator Byron L. Dorgan became Vice Chairman. In the 110th Congress, Senator Byron L. Dorgan became Chairman of the Committee and Senator Craig Thomas became Vice Chairman. Senator Thomas passed away on June 4, 2007. Senator Lisa Murkowski became Vice Chairman of the Committee on July 19, 2007, and served for the remainder of the Congress. Senator John Barrasso was added to the minority membership of the Committee to maintain the total membership of 15 for the 110th Congress. In the 111th Congress, the membership of the Committee remained at 15 members, Senator Byron L. Dorgan continued to serve as Chair-

man of the Committee, and Senator John Barrasso became Vice Chairman.

II. JURISDICTION AND RULES OF THE COMMITTEE ON INDIAN AFFAIRS

A. EXCERPTS FROM SENATE RESOLUTION 4. THE COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977 AS AMENDED AND REVISED TO REFLECT MEMBERSHIP AND DESIGNATIONS APPLICABLE TO THE 111TH CONGRESS. THE COMMITTEE WAS INITIALLY ESTABLISHED AS THE SELECT COMMITTEE ON INDIAN AFFAIRS. SECTION 25 OF S. RES. 71, 103RD CONGRESS, 1ST SESSION, REDESIGNATES IT AS THE COMMITTEE ON INDIAN AFFAIRS.

COMMITTEE ON INDIAN AFFAIRS, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs:

SEC. 105(a)(1) There is established a Committee on Indian Affairs [hereafter in this section referred to as the "committee"] which shall consist of [15] Members, [9] to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among Members of the majority party and [6] to be appointed by the President of the Senate, upon recommendation of the minority leader, from among the Members of the minority party. The committee shall select a Chairman from among its Members.

(2) A majority of the Members of the Committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The Committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the Membership of the committee shall not affect the authority of the remaining Members to execute the functions of the Committee.

(4) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a Member or Chairman of the Committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the Committee.

(2) It shall be the duty of the Committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

(3) The Committee shall from time to time report to the Senate, by bill or otherwise within its jurisdiction.

(c)(1) For the purposes of this resolution, the committee is authorized, in its discretion,

(A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The Chairman of the Committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the Committee may be issued over the signature of the Chairman, or any Member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman or any Member signing the subpoena.

B. RULES OF THE COMMITTEE ON INDIAN AFFAIRS.

Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On February 5, 2009, the Committee on Indian Affairs held a business meeting during which the Members of the committee unanimously adopted rules to govern the procedures of the committee. The rules were printed in the Congressional Record on February 6, 2009. The rules, as adopted, follow below:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursdays while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

(c). Any bill or resolution to be considered by the Committee shall be filed with the Clerk of the Committee not less than 48 hours in

advance of the Committee meeting. Any amendment(s) to legislation to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported from the Committee unless an objection is made by a member, in which case a recorded vote by the Members shall be required.

(c). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

III. SUMMARY OF LEGISLATIVE ACTIVITIES FOR THE 111th CONGRESS

A. *Overview.* In the 111th Congress, a total of 52 bills and 3 resolutions were referred to the Committee on Indian Affairs for consideration. A total of 33 bills were reported or discharged by the Committee. Of these, 16 bills had no further action and 17 bills became public laws. The Committee also reported the nominations of 6 Presidential appointees, all of whom the Senate subsequently confirmed.

A number of measures referred to the Committee were included as amendments or in a package with other legislative items on the floor of the Senate, including the following items of legislation:

1. H.R. 3590, the Patient Protection and Affordable Health Care Act, which included S. 1790, the Indian Health Care Improvement Reauthorization and Extension Act of 2009; and S. 76, the Native Hawaiian Health Care Improvement Reauthorization Act of 2009 (Public Law 111-148).
2. H.R. 725, the Indian Arts and Crafts Amendments Act of 2010, which included S. 797, Tribal Law and Order Act of 2009 (Public Law 111-211).
3. H.R. 4783, the Claims Resolution Act of 2010, which included the *Cobell v. Salazar* settlement agreement; S. 313, the White Mountain Apache Tribe Water Rights Quantification Act of 2009; S. 375, the Crow Tribe Water Rights Settlement Act of 2009; S. 965, the Taos Pueblo Indian Water Rights Settlement; and S. 1105, the Aamodt Litigation Settlement Act (Public Law 111-291).

B. *Legislation Reported or Discharged and Enacted Into Law.* Seventeen bills referred to the Committee were reported or discharged by the Committee and signed into law by the President, including:

1. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family (H.R. 3553, Indian Veterans Housing Opportunity Act of 2010, Public Law 111-269).
2. A bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico (H.R. 4445, Indian Pueblo Cultural Center Clarification Act, Public Law 111-379).
3. A joint resolution to acknowledge a long history of official depredation and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States (S.J. RES.14, Public Law 111-118).

4. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze" (S. 39, Public Law 111-18).
5. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act (S. 76, the Native Hawaiian Health Care Improvement Reauthorization Act of 2009, Public Law 111-148).
6. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes (S. 151/H.R. 725, the Indian Arts and Crafts Amendments Act of 2009, Public Law 111-211).
7. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (S. 313, White Mountain Apache Tribe Water Rights Quantification Act of 2009, Public Law 111-291).
8. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes (S. 375, Crow Tribe Water Rights Settlement Act of 2009, Public Law 111-291).
9. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes (S. 443/H.R. 1061, Hoh Indian Tribe Safe Homelands Act, Public Law 111-323).
10. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes (S. 797, Tribal Law and Order Act of 2009, Public Law 111-211).
11. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes (S. 965, Taos Pueblo Indian Water Rights Settlement Act, Public Law 111-291).
12. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (S. 1105, Aamodt Litigation Settlement Act, Public Law 111-291).
13. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land (S. 1448, Public Law 111-134).
14. A bill to establish an Indian Youth telemental health demonstration project, to enhance the provision of mental health care services to Indian youth, to encourage Indian tribes, tribal organizations, and other mental health care providers serving residents of Indian country to obtain the services of predoctoral psychology and psychiatry interns, and for other purposes (S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009, Public Law 111-148).

15. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes (S. 1790, Indian Health Care Improvement Reauthorization and Extension Act of 2009, Public Law 111–148).
16. A bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes (S. 2906, Public Law 111–336).
17. A bill to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo (S. 3903, Public Law 111–381).

C. Legislation Reported or Discharged Not Requiring Presidential Action. Two of the resolutions referred to the Committee were reported or discharged and passed by the Senate and did not require presidential action:

1. A resolution recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States (S. RES. 342).
2. A resolution recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States (S. RES. 689).

D. Legislation Reported by the Committee. Fifteen bills and one resolution referred to the Committee were reported by the Committee during the 111th Congress but were not enacted into law:

1. A bill to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans (H.R. 1129).
2. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe (H.R. 5811).
3. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs (S. RES. 28).
4. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land (S. 338).
5. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes (S. 633, Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2009).
6. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain simi-

- larly situated individuals, and for other purposes (S. 980, Native American Challenge Demonstration Project Act of 2009).
7. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (S. 1011, Native Hawaiian Government Reorganization Act of 2009).
 8. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (S. 1178, Indian Tribes of Virginia Federal Recognition Act of 2009).
 9. A bill to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes (S. 1264, Pine River Indian Irrigation Project Act of 2009).
 10. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (S. 1388, Spokane Tribe of Indians of the Spokane Indian Reservation Grand Coulee Dam Equitable Compensation Settlement Act).
 11. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes (S. 1703).
 12. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (S. 1735, Lumbee Recognition Act).
 13. A bill to settle land claims within the Fort Hall Reservation (S. 2802, Blackfoot River Land Settlement Act of 2009).
 14. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes (S. 2956, Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act).
 15. A bill to amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,” approved August 9, 1935, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior (S. 3235, Helping Expedite and Advance Responsible Tribal Homeownership Act of 2010).
 16. A bill to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program (S. 3648, Pick-Sloan Tribal Commission Act of 2010).

E. Legislation Given Active Consideration. The Committee gave active consideration to a variety of bills in the 111th Congress. The Committee held eight legislative hearings addressing the Tribal

Law and Order Act, Native Hawaiian reorganization, tribal health and higher education, Indian youth suicide prevention, energy development, economic development, land transfers, and water rights. The Committee also held hearings on bills affecting specific tribes, including the White Mountain Apache Tribe, the Hoh Indian Tribe, the Cocopah Tribe, the Navajo Nation, the Shoshone-Bannock Indian Tribes, the Southern Ute Indian Tribe, the Pechanga Band of Luiseno Mission Indians, and the Blackfeet Tribe.

F. *Legislation Referred to the Committee.* 20 bills and one resolution referred to the Committee during the 111th Congress were not reported or enacted into law:

1. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes (H.R. 326, Cocopah Lands Act).
2. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (H.R. 1385, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009).
3. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes (H.R. 4347, Department of the Interior Tribal Self-Governance Act of 2010).
4. A resolution expressing the sense of the Senate that October 17, 1984, the date of restoration by the Federal Government of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, should be memorialized (S. RES. 303).
5. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Americans (S. 72, Hawaiian Homeownership Opportunity Act of 2009).
6. A bill to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes (S. 280, Crow Tribe Land Restoration Act).
7. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian and the recognition by the United States of the Native Hawaiian government, and for other purposes (S. 381).
8. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes (S. 439, Indian Development Finance Corporation Act).
9. A bill to extend the Federal recognition to the Muscogee Nation of Florida (S. 530, Muscogee Nation of Florida Federal Recognition Act).
10. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to

- tribal land caused by Pick-Sloan projects along the Missouri River (S. 617, Lower Brule and Crow Creek Tribal Compensation Act).
11. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes (S. 708).
 12. A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes (S. 1690).
 13. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders (S. 1732, Native Hawaiian and Other Pacific Islander Health Data Act of 2009).
 14. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes (S. 1936, Little Shell Tribe of Chippewa Indians Restoration Act of 2009).
 15. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes (S. 3290, Blackfeet Water Rights Settlement Act of 2010).
 16. A bill to establish a Native American Economic Advisory Council, and for other purposes (S. 3331, Native American Economic Advisory Council Act of 2010).
 17. A bill to improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, and for other purposes (S. 3471, Native American Employment Act of 2010).
 18. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes (S. 3740, Alaska Safe Families and Villages Act of 2010).
 19. A bill to amend the Energy Policy Act of 1992 to streamline Indian energy development, to enhance programs to support Indian energy development and efficiency, to make technical corrections, and for other purposes (S. 3752, Indian Energy Parity Act of 2010).
 20. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (S. 3945, Native Hawaiian Government Reorganization Act of 2010).

G. *Oversight activity.* A substantial portion of the Committee's hearing and investigatory energy was devoted to carrying out its authority and responsibility to provide oversight of the executive

branch's implementation of Federal Indian law and policy and to investigate all matters pertaining to Indian affairs.

The Committee held 39 hearings, including oversight hearings on tribal law enforcement and public safety, health, housing, education, Indian youth suicide, diabetes, energy development, economic development, federal recognition, and self-determination.

The Committee also held 5 field hearings on issues such as tribal law enforcement; Indian housing; Bureau of Indian Education school construction; contract health services program and tribal transportation.

The legislative action of the Committee was conducted through 12 business meetings to mark-up and report legislation pending before the Committee.

In addition, the Committee held 4 nomination hearings for the Assistant Secretary of Indian Affairs, the Director of the Indian Health Service, the Chairman of the National Indian Gaming Commission and the Commissioner for the Administration for Native Americans. The Senate confirmed all of these nominations.

IV. COMMITTEE ACTIVITIES

111TH CONGRESS, FIRST SESSION

A. Committee Hearings and Business Meetings

January 15, 2009—Oversight Hearing on Job Creation and Economic Stimulus in Indian Country.

February 5, 2009—Oversight Hearing on Advancing Indian Health.

February 5, 2009—Business Meeting to consider Committee Funding Resolution.

February 12, 2009—Oversight Hearing to Receive the Views of Ken Salazar, Secretary of the Interior, on Matters of Indian Affairs.

February 26, 2009—Oversight Hearing on Youth Suicide in Indian Country.

March 12, 2009—Oversight Hearing on Tribal Priorities in the Fiscal Year 2010 Budget.

April 2, 2009—Legislative Hearing on S. 313, the White Mountain Apache Tribe Water Rights Quantification Act of 2009; S. 443, the Hoh Indian Tribe Safe Homelands Act; S. 633, the Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2009; H.R. 326, the Cocopah Lands Act.

April 23, 2009—Nomination Hearing on the Nomination of Yvette D. Roubideaux to be Director of the Indian Health Service, U.S. Department of Health and Human Services.

April 30, 2009—Business Meeting to consider the nomination of Dr. Yvette D. Roubideaux to be Director of Indian Health Service; S. 151, the Indian Arts and Crafts Amendments Act of 2009; S. 443, the Hoh Indian Tribe Safe Homelands Act.

May 7, 2009—Nomination Hearing on the Nomination of Larry J. Echo Hawk to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior.

May 14, 2009—Business Meeting to consider the nomination of Larry J. Echo Hawk to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior.

May 21, 2009—Oversight Hearing to Examine Executive Branch Authority to Acquire Trust Lands for Indian Tribes.

June 11, 2009—Oversight Hearing on Reforming the Indian Health Care System.

June 25, 2009—Legislative Hearing on S. 797, the Tribal Law and Order Act of 2009.

July 1, 2009—Field Hearing to Examine Lessons Learned from Operation Dakota Peacekeeper.

July 30, 2009—Oversight Hearing to Examine the Increase of Gang Activity in Indian Country.

August 6, 2009—Legislative Hearing on S. 1011, the Native Hawaiian Government Reorganization Act of 2009.

August 6, 2009—Business Meeting to consider S.J. 14, a Joint Resolution to Acknowledge a Long History of Official Depredations and Ill-Conceived Policies by the Federal Government Regarding Indian Tribes and Offer An Apology to All Native Peoples on Behalf of the United States; H.R. 1129, to Authorize the Secretary of the Interior to Provide an Annual Grant to Facilitate an Iron Working Training Program for Native Americans; and S. 443, the Hoh Indian Tribe Safe Homelands Act.

September 10, 2009—Legislative Hearing to Examine S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009.

September 10, 2009—Business Meeting to consider S. 797, the Tribal Law and Order Act of 2009; S. 313, the White Mountain Apache Tribe Water Rights Quantification Act of 2009; S. 375, the Crow Tribe Water Rights Settlement Act of 2009; S. 965, the Taos Pueblo Indian Water Rights Settlement Act; S. 1105, the Aamodt Litigation Settlement Act; and S. 1388, the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

September 18, 2009—Oversight Hearing to Examine the Federal Tax Treatment of Health Care Benefits Provided by Tribal Governments to Their Citizens.

October 22, 2009—Oversight Hearing on Indian Energy and Energy Efficiency.

October 22, 2009—Business Meeting to consider S. 1178, the Indian Tribes of Virginia Federal Recognition Act of 2009; S. 1735, the Lumbee Recognition Act.

November 4, 2009—Oversight Hearing on Fixing the Federal Acknowledgment Process.

November 19, 2009—Oversight Hearing to Examine Drug Smuggling and Gang Activity in Indian Country.

December 3, 2009—Oversight Hearing on Expanding Dental Health Care in Indian Country.

December 3, 2009—Oversight Hearing on Promises Made, Promises Broken: The Impact of Chronic Underfunding of Contract Health Services.

December 3, 2009—Business Meeting to consider S. 1790, the Indian Health Care Improvement Reauthorization and Extension Act of 2009; S. 1635, 7th Generation Promise: Indian Youth Suicide Prevention Act of 2009; and S. 633, the Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2009.

December 9, 2009—Oversight Hearing: Where's the Trustee? Department of Interior Backlogs Prevent Tribes From Using Their Lands.

December 9, 2009—Legislative Hearing on S. 1690, a Bill to Amend the Act of March 1, 1933, to Transfer Certain Authority and Resources to the Utah Dineh Corporation, and for Other Purposes.

December 17, 2009—Oversight Hearing on the Cobell v. Salazar Settlement Agreement.

December 17, 2009—Business Meeting on S. 1703, a Bill to Amend the Act of June 18, 1934, to Reaffirm the Authority of the Secretary of the Interior to Take Land Into Trust for Indian Tribes;

and S. 1011, the Native Hawaiian Government Reorganization Act of 2009.

111TH CONGRESS, SECOND SESSION

B. Committee Hearings and Markups

January 28, 2010—Nomination Hearing on the Nomination of Lillian A. Sparks to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

January 28, 2010—Oversight Hearing on Unemployment on Indian Reservations at 50 percent: The Urgent Need to Create Jobs in Indian Country.

February 11, 2010—Business Meeting to consider the nomination of Lillian A. Sparks to be Commissioner of the Administration for Native Americans, U.S. Department of Health and Human Services.

February 16, 2010—Listening Session at Gila Indian Reservation.

February 25, 2010—Oversight Hearing to Examine Tribal Programs and Initiatives Proposed in the President's Fiscal Year 2011 Budget.

March 18, 2010—Oversight Hearing to Examine Bureau of Indian Affairs and Tribal Police Recruitment, Training, Hiring, and Retention.

March 25, 2010—Oversight Hearing on the Preventable Epidemic: Youth Suicides and the Urgent Need for Mental Health Care Resources in Indian Country.

April 22, 2010—Legislative Hearing on a Discussion Draft of the Indian Energy Promotion and Parity Act of 2010.

April 29, 2010—Legislative Hearing on S. 2802, the Blackfoot River Land Settlement Act of 2009; S. 1264, the Pine River Indian Irrigation Project Act of 2009; S. 439, the Indian Development Finance Corporation Act.

May 13, 2010—Oversight Hearing: Does Indian School Safety Get a Passing Grade?

May 26, 2010—Nomination Hearing on the President's Nomination of Tracie L. Stevens to Serve as Chairman of the National Indian Gaming Commission.

June 10, 2010—Business Meeting on to consider the nomination of Tracie L. Stevens to serve as Chair of the National Indian Gaming Commission; the nomination of JoAnn Balzer to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts

Development; the nomination of Cynthia Chavez Lamar to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development; S. 2802, the Blackfoot River Land Settlement Act of 2009; S. 2906, A bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes in Washington; and S. 1448, A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

June 17, 2010—Oversight Hearing on Indian Education: Did the No Child Left Behind Act Leave Indian Students Behind?

June 30, 2010—Business Meeting on subpoena power over the Indian Health Service; H.R. 3553, To exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; S. 3235, A bill to amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,” approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

June 30, 2010—Oversight Hearing on “A Way Out of the Diabetes Crisis in Indian Country and Beyond.”

July 22, 2010—Legislative Hearing on S. 2956, the Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act; S. 3290, the Blackfeet Water Rights Settlement Act of 2010.

July 29, 2010—Oversight Hearing on Indian Gaming.

August 12, 2010—Field Hearing on Economic and Social Issues Affecting the Northwest Tribes.

August 25, 2010—Joint Field Hearing with the Senate Committee on Banking, Housing, and Urban Affairs on Innovative Solutions to Addressing Housing Needs in Our Indian Communities.

September 11, 2010—Field Hearing on Preparing Our Students for Tomorrow in Yesterday’s Schools: Construction and Facility Needs at Bureau of Indian Education Schools.

September 28, 2010—Oversight Hearing titled, “In Critical Condition: The Urgent Need to Reform Indian Health Service’s Aberdeen Area.”

October 2, 2010—Field Hearing on Health Care Without an IHS Hospital: Overtaxing the Contract Health Services Program.

October 15, 2010—Field Hearing to Examine Tribal Transportation in Indian Country.

November 18, 2010—Business Meeting on S. 3648, the Pick-Sloan Tribal Commission Act of 2010; S. 3903, a Bill to Authorize Leases of Up to 99 Years for Lands Held in Trust for Ohkay Owingeh Pueblo; H.R. 4445, the Indian Pueblo Cultural Center Clarification Act; H.R. 5811, a Bill to Amend the Ysleta Del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to Allow the Ysleta Del Sur Pueblo Tribe to Determine Blood Quantum Requirement for Membership in that Tribe; S. 2956, the Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act; S. 1264, the Pine River Indian Irrigation Project Act of 2009; and S. 980, the Native American Challenge Demonstration Project Act of 2009.

November 18, 2010—Legislative Hearing on H.R. 4347, the Department of the Interior Tribal Self-Governance Act of 2010.