

## Calendar No. 558

116TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
116-271

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AMENDING THE ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN ACT TO EXTEND THE DEADLINE FOR A REPORT BY THE ALYCE SPOTTED BEAR AND WALTER SOBOLEFF COMMISSION ON NATIVE CHILDREN, AND FOR OTHER PURPOSES

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SEPTEMBER 24, 2020.—Ordered to be printed

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Mr. HOEVEN, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 3948]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill, (S. 3948) to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends the bill do pass.

#### PURPOSE

The purpose of S. 3948 is to provide a two-year extension for the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, housed within the Office of Tribal Justice at the U.S. Department of Justice, to publish its report, and make recommendations for legislative and policy improvements to federal, state, and tribal programs that serve Native children.

#### BACKGROUND AND NEED FOR LEGISLATION

The federal government has a trust and treaty responsibility to provide for the education, health, and safety of Indian children. Yet, Native children are among the most at-risk populations in the country, facing significant disparities in these areas. In addition, Tribal governments face numerous obstacles in responding to the needs of Native children. Insufficient access to current grant opportunities, and underfunding of federal programs that serve Native children slow the efforts of Indian Tribes to tackle issues related

to child well-being in Tribal communities. Furthermore, federal agencies lack clear coordination plans to best address the needs of Native children, and do not offer sufficient training and technical assistance for Tribes and Tribal governments.

Recognizing these challenges, *the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act* was signed into law on October 14, 2016. This law established a commission within the U.S. Department of Justice’s Office of Tribal Justice to conduct a comprehensive study of federal, state, and Tribal programs that serve Native children.

Under the law, the President and Congress are required to appoint Commission members who have significant experience and expertise in Indian affairs. Not later than three years after the date on which all members of the Commission are appointed, the Commission is required to submit to the President, the House Committee on Appropriations, the House Committee on Natural Resources, the Senate Committee on Appropriations, and the Senate Committee on Indian Affairs, a final report on its findings, conclusions, and recommendations for legislative and administrative action.

The COVID–19 pandemic has understandably impacted the ability of the Commission to complete its work on schedule. Since March 2020, COVID–19 and travel restrictions across the country, have resulted in an inability for the Commission to travel, hold meetings, and conduct regular business. Commissioners Bigfoot, Staebner, Morris, McDonald, Gray, and Chairwoman O’Neill have submitted letters of support for extension of the deadline to the Committee.

#### SUMMARY OF THE BILL

The bill, S. 3948, extends the reporting requirement deadline required by P.L. 114–244, *Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act*, from three to five years.

#### LEGISLATIVE HISTORY

On June 11, 2020, Senator Murkowski introduced S. 3948, which was referred to the Committee. There are no cosponsors of the legislation at this time. No member of the House of Representatives has introduced a companion bill at this time.

Because S. 3948 is limited in its scope and effect upon the duties and operations of the Commission, the Committee moved forward to consider the bill at a duly called business meeting on July 29, 2020, without first holding a legislative hearing, and receiving testimony from relevant stakeholders. The Committee ordered S. 3948 reported favorably without amendment.

#### SECTION-BY-SECTION ANALYSIS OF S. 982, AS AMENDED

##### *Section 1. Alyce Spotted Bear and Walter Soboleff Commission on Native Children Report*

This section amends Section 3(f) of P.L. 114–244, the *Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act*, and extends the reporting requirement deadline from three to five years.

## COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, September 9, 2020.

Hon. JOHN HOEVEN,  
 Chairman, Committee on Indian Affairs,  
 U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3948, the bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jennifer Gray.

Sincerely,

PHILLIP L. SWAGEL.

Enclosure.

<b>S. 3948, a bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes</b>			
As [Manager] on July 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

S. 3948 would extend the time for the Alyce Spotted Bear and Walter Soboleff Commission on Native Children to complete its report from three years to five years.

Using information from the commission, CBO estimates that implementing S. 3948 would cost less than \$500,000 over the 2020–2025 period, subject to the availability of appropriated funds. Those costs would primarily be for travel expenses and preparing the report.

Enacting S. 3948 would affect direct spending because the commission would be able to accept and spend gifts for two additional years. However, CBO estimates that the net effect on direct spending would be insignificant.

The CBO staff contact for this estimate is Jennifer Gray. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 3948 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 3948.

CHANGES IN EXISTING LAW

On February 6, 2019, the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.