

Calendar No. 40

117TH CONGRESS }
1st Session }

SENATE

{ REPORT
117-12

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

APRIL 14, 2021.—Ordered to be printed

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

R E P O R T

[To accompany S. 325

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 325) 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 that the bill do pass.

PURPOSE

The purpose of S. 325 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 Native children. Yet, Native children are among the most at-risk populations in the country, facing significant disparities in these areas. Tribal governments also face numerous obstacles in responding to the needs of Native children. The underfunding of federal Native child programs and insufficient access to grant opportunities slow Tribal efforts to address issues related to the well-being of children within 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. No later than three years after the appointment of all Commission members, 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 extending the deadline to the Committee.

SUMMARY OF THE BILL

The bill, S. 325, 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 February 12, 2021, Senators Murkowski, Schatz, Sullivan, and Tester introduced S. 325, *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*. The Senate referred the bill to the Committee on the same day. The Committee held a duly called business meeting to consider nine bills, including S. 325, on March 10, 2021. No amendments were filed to S. 325. The Committee passed the bill with eight other bills by voice vote and ordered it to be favorably reported.

On January 21, 2021, Representatives Young, Case, and Kahele introduced H.R. 438, an identical companion bill to S. 325, in the House of Representatives. The House of Representatives referred the bill to the Committee on Natural Resources on the same day. No further action has been taken on H.R. 438.

116th Congress. On June 11, 2020, Senator Murkowski introduced S. 3948, an identical predecessor bill to S. 325, which was referred to the Committee. Because S. 3948 was limited in its scope and effect upon the duties and operations of the Commission, the Committee did not hold a legislative hearing on the bill and moved directly to considering the bill at a duly called business meeting on

July 29, 2020. The Committee ordered S. 3948 reported favorably without amendment. After reporting the bill on September 24, 2020, the Senate passed S. 3948 without amendment by voice vote on December 20, 2020. The House of Representatives received the bill on December 21, 2020, and held it at the desk. However, the chamber took no further action on the matter prior to the conclusion of the 116th Congress.

On September 30, 2020, Representatives Young, Gabbard, and Case introduced H.R. 8469, an identical companion bill to S. 3948, in the House of Representatives. The House of Representatives referred the bill to the Committee on Natural Resources on the same day. No further action was taken on H.R. 8469.

SECTION-BY-SECTION ANALYSIS

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

The following cost estimate, as provided by the Congressional Budget Office, dated March 29, 2021, was prepared for S. 325:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 2021.

Hon. BRIAN SCHATZ,
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. 325, 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.

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,
Director.

Enclosure.

S. 325, 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			
As ordered reported by the Senate Committee on Indian Affairs on March 10, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	*
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

S. 325 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. The commission members were appointed in 2019 and using information from the commission, CBO expects that the report would be due sometime in 2022.

Using information from the commission, CBO estimates that implementing S. 325 would cost less than \$500,000 over the 2021–2026 period, subject to the availability of appropriated funds. Those costs would primarily be for travel expenses and preparing the report.

Enacting S. 325 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. 325 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 325.

CHANGES IN EXISTING LAW

On February 11, 2021, 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.

