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HISTORY, JURISDICTION, AND SUMMARY  
OF LEGISLATIVE ACTIVITIES

OF THE

UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS

DURING THE

ONE HUNDRED EIGHTH CONGRESS

2003-2004



Printed for the use of the Committee on Indian Affairs

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## **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 difficulties. 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.* Until 1946, when a legislative reorganization act abolished both the House and Senate Committees on Indian Affairs, the Senate Committee on Indian Affairs had been in existence since the early 19th century. 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, including the transfer of jurisdiction over tribal lands to the States.

By the mid-1960's, this termination philosophy was in decline as a failed policy and the 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 1970's 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 1970's, 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 the 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 S.J. Res. 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 by the President, thus establishing the American Indian Policy Review Commission [Public Law 93-580]. As the work of this Commission progressed, it became readily apparent that a Senate committee with full legislative and oversight authority was needed to receive the report of the American Indian Policy Review 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 American Indian Policy Review 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 S. Res. 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 American Indian Policy Review 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.

S. Res. 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 Rules Committee to extend the life of the committee for 2 years until January 2, 1981, and was agreed to 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 S. Res. 448 to make it a permanent committee. The resolution had 28 cosponsors, and was reported by the Rules Committee with an amendment to extend the Select Committee on Indian Af-

fairs to January 2, 1984, and to expand the membership to seven members commencing in the 97th Congress. S. Res. 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 S. Res. 127 to make the committee a permanent committee. This resolution had 28 cosponsors. On November 1, 1983, the 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, 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 later debate. By the time the resolution 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 Congress, 2d Sess.]. In 1993, the Select Committee on Indian Affairs was re-designated as the Committee on Indian Affairs [§ 25, S. Res. 71, 103d 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 and the 98th Congress. The membership increased to 9 in the 99th Congress, decreased to 8 in the 100th Congress and, in the 101st Congress grew to 10. In the 102d Congress the membership of the committee expanded to 16 members. A further increase occurred in the beginning of the 103d Congress when the membership was expanded to 18.

In the 104th Congress, the Senate initially 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 104th Congress subsequently reduced the committee to 16 members. In the 105th Congress, membership was decreased to 14. The number of members assigned to the committee in the Rules has not since been amended. In the 106th Congress, 14 members were appointed to the committee. In the 107th Congress, there were initially 14 members.

In May 2001 Senator Jim Jeffords left the Republican Party to become an Independent. At that time Senator Campbell relinquished the chairmanship of the committee and Senator Inouye became chairman, then presiding over the 15-member committee. In the 108th Congress, Senator Campbell re-assumed the chairmanship and Senator Inouye served as vice chairman of the 14-member committee.



## 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 108TH CONGRESS.

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 14 members, 8 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 ex-

penditures 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 January 29, 2003, 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 as adopted follow.

##### COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, S. Res. 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 the first Tuesday of each month 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 shall be given of the date, place and subject matter of any hearing to be held by the committee at least 1 week in advance of such hearing unless the chairman of the committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee involved 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 file with the committee, at least 72 hours in advance of the hearing, an original, printed version of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the committee. Further, each witness is required to submit by way of electronic mail, one copy of his or her testimony in a format determined by the committee and sent to an electronic mail address specified by the committee.

(c). Each member shall be limited to 5 minutes in questioning of any witness until such times as all members 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 such inclusion has been filed with the chairman of the committee at least 1 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 subject 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 2 days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the members of the committee. The clerk shall promptly notify absent members of any action taken by the committee on matters not included in the published agenda.

## QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), 8 members shall constitute a quorum for the conduct 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). A measure may be ordered reported from the committee unless an objection is made by a member, in which case a recorded vote of the members shall be required.

(c). 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). 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 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 or evidence.

#### BROADCASTING OF 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.

#### AMENDING THE RULES

Rule 12. 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 7 days in advance of such meeting.



### III. SUMMARY OF COMMITTEE ACTIVITIES FOR THE 108th CONGRESS

A. *Overview.* In the 108th Congress, a total of 80 bills and 7 resolutions were referred to the Committee on Indian Affairs for consideration. The committee reported to the Senate for action a total of 37 bills and 5 resolutions; 8 of the bills and 1 resolution reported by the committee became public law. The committee also reported the nomination of 4 Presidential appointees who were subsequently confirmed by the Senate. The committee held 61 hearings, 19 of which were oversight hearings.

B. *Legislation reported and enacted into law.* A number of the bills over which the committee exercised its jurisdiction were reported by the committee and signed into law by the President. These included a bill to provide for the use or distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, S. 162, Public Law 108-22; a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, AZ, S. 222, Public Law 108-034; a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, and to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, S. 437, Public Law 108-451; a technical corrections bill relating to laws affecting Native Americans, S. 523, Public Law 108-204; a bill authorizing construction of a health care facility on the Fort Berthold Indian Reservation, S. 1146, Public Law 108-437; a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, S. 1721, Public Law 108-374; a bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government, H.R. 2912, Public Law 108-431; and a bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996, H.R. 4471, Public Law 108-393.

C. *Legislation reported by the committee.* A number of the bills over which the committee has jurisdiction were reported by the committee but were not enacted into law. These measures include: A bill to establish a direct line of authority for the Office of Trust Reform Implementation and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determination Act [S. 175]; a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers [S. 281]; a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided

by Indian tribal governments [S. 285]; a bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgment process [S. 297]; a bill expressing 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. 344]; a bill to provide for the acknowledgment of the Lumbee Tribe of North Carolina [S. 420]; a bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation [S. 428]; a bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans [S. 519]; a bill to amend the act of August 9, 1955, to extend the terms of leases of certain restricted Indian land [S. 521]; a bill to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources [S. 522]; a bill to establish the Native American Health and Wellness Foundation [S. 555]; a bill to amend the Indian Health Care Improvement Act to revise and extend that act [S. 556]; a bill to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health [S. 558]; a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K [S. 618]; a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that act [S. 702]; 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. 1423]; a bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the tribe concerning the contribution of the tribe to the production of hydropower by the Grand Coulee Dam [S. 1438]; a bill to amend the Indian Gaming Regulatory Act to include provisions relating to the payment and administration of gaming fees [S. 1529]; 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. 1530]; a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations [S. 1601]; a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes [S. 1696]; a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes [S. 1715]; a bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages [S. 1905]; a bill to make technical corrections to laws relating to Native Americans [S. 1955]; a bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program [S. 1996]; a bill to amend the act of November 2, 1966 [80 Stat. 1112], to allow binding arbitration clauses to be included in all contracts affecting the

land within the Salt River Pima-Maricopa Indian Reservation [S. 2277]; a bill to establish grant programs for the development of telecommunications capacities in Indian country [S. 2382]; a bill to reauthorize the Native American Programs Act of 1974 [S. 2436]; a bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996 [S. 2571]; a bill to direct the Secretary of the Interior and the heads of other Federal agencies to carryout an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho [S. 2605]; and a bill to make technical corrections to laws relating to Native Americans [S. 2843].

D. *Legislation given active consideration.* A wide variety of bills were given active consideration by the committee. In the 108th Congress, the committee held several hearings on bills addressing the Department of the Interior, Bureau of Indian Affairs, potential settlement of the *Cobell* lawsuit, National Indian Gaming Commission regulation. Health care, probate reform, transportation, energy development, Native American languages, fish and wildlife management, child protection, and economic development were also the subject of hearings. The committee also held hearings on bills affecting specific tribes, including construction of a health care facility at Fort Berthold Indian Reservation; a Lumbee Acknowledgment Act; Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act; Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act; Nez Perce Water Rights Act; and a hearing on water problems on the Standing Rock Sioux Reservation.

E. *Legislation referred to the committee.* A wide variety of measures were introduced and referred to the committee including:

1. S. Res. 64, An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

2. S. Res. 246, A resolution expressing the sense of the Senate that November 22, 1983, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, should be memorialized.

3. S. Res. 248, A resolution expressing the sense of the Senate concerning the individual Indian money account trust funds.

4. S. 162, a bill to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community. lawsuit.

5. S. 175, a bill to establish a direct line of authority for the Office of Trust Reform Implementation and Oversight to oversee the management and reform of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and to advance tribal management of such funds and assets, pursuant to the Indian Self-Determination Act.

6. S. 222, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, AZ.

7. S. 281, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers.

8. S. 285, a bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments.

9. S. 297, a bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgment process.

10. S. 344, a bill expressing 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.

11. S. 420, a bill to provide for the acknowledgment of the Lumbee Tribe of North Carolina.

12. S. 428, a bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

13. S. 437, a bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, and to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982.

14. S. 519, a bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans.

15. S. 521, a bill to amend the act of August 9, 1955, to extend the terms of leases of certain restricted Indian land.

16. S. 522, a bill to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources.

17. S. 523, a technical corrections bill relating to laws affecting Native Americans.

18. S. 555, a bill to establish the Native American Health and Wellness Foundation.

19. S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

20. S. 558, a bill to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health.

21. S. 618, a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K.

22. S. 702, a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that act.

23. S. 1146, a bill authorizing construction of a health care facility on the Fort Berthold Indian Reservation

24. S. 1423, 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.

25. S. 1438, a bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the tribe concerning the contribution of the tribe to the production of hydropower by the Grand Coulee Dam.

26. S. 1529, a bill to amend the Indian Gaming Regulatory Act to include provisions relating to the payment and administration of gaming fees.



27. S. 1530, 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.

28. S. 1601, a bill to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.

29. S. 1696, a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

30. S. 1715, a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes.

31. S. 1721, a bill to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land.

32. S. 1905, a bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

33. S. 1955, a bill to make technical corrections to laws relating to Native Americans.

34. S. 1996, a bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.

35. S. 2277, a bill to amend the act of November 2, 1966 [80 Stat. 1112], to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

36. S. 2382, a bill to establish grant programs for the development of telecommunications capacities in Indian country.

37. S. 2436, a bill to reauthorize the Native American Programs Act of 1974.

38. S. 2571, a bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

39. S. 2605, a bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho.

40. S. 2843, a bill to make technical corrections to laws relating to Native Americans.

41. H.R. 2912, a bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

42. H.R. 4471, a bill to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

*F. 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 hearings touched on a wide range of issues, including the role and funding of the National Indian Gaming Commission; pro-

posed reorganization of the Bureau of Indian Affairs; status of telecommunications in Indian country; status of tribal fish and wildlife management; Native American sacred places; Indian Gaming Regulatory Act; potential settlement of *Cobell v. Norton*; status of completion of the National Museum of the American Indian, proposed reorganization of major agencies and functions related to Indian trust reform matters within the Department of the Interior; Inter-Tribal Timber Council's Indian Forest Management Assessment Team report; No Child Left Behind Act, Indian tribal detention facilities; implementation of the American Indian Religious Freedom Act of 1978; legislation to reauthorize the Indian Health Care Improvement Act, contributions of Native American codetalkers in American military history; water problems on the Standing Rock Sioux Reservation; and the Native Graves Protection and Repatriation Act.

In addition, the committee also devoted substantial energy to investigating the activities of certain individuals and entities and their relationships and dealings with various tribes. Pursuant to this investigation [the first formal investigation conducted by the committee since the 101st Congress], subpoenas were issued to individuals and entities with pertinent knowledge of the facts underlying the subject matter of the investigation, while other information was voluntarily submitted to the committee by tribes, individuals, and entities. Two hearings were held at which appeared the individuals central to the activities under investigation. Based on the hearings, and information subpoenaed and voluntarily submitted, the committee determined that the investigation merited continuation during the upcoming 109th Congress.

#### IV. COMMITTEE ACTIVITIES

##### 108TH CONGRESS, FIRST SESSION

###### A. Committee Hearings and Markups

*January 29, 2003.*—Business/Organizational Meeting to Select the Chairman and Vice Chairman.

*February 12, 2003.*—Hearing on nomination of Ross O. Swimmer to be Special Trustee-Indian Affairs within Department of the Interior.

*February 25, 2003.*—Hearing on S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians.

*February 26 2003.*—Business Meeting on confirmation of Ross O. Swimmer; S. 162, a bill to provide for the use of distribution of certain funds awarded to Gila River Pima-Maricopa Indian Community; and S. 222, a bill to approve settlement of water rights claims of the Zuni Indian Tribe.

*February 26 2003.*—Hearing on President's Fiscal Year 2004 Budget Request.

*March 5, 2003.*—Business Meeting on confirmation of Ross O. Swimmer.

*March 5, 2003.*—Hearing on President's Fiscal Year 2004 Budget Request.

*March 11, 2003.*—Business Meeting to consider the committee's views and estimates on the President's fiscal year 2004 Budget Request for Indian Programs.

*March 19, 2003.*—Hearing on S. 424, the "Tribal Energy Self-Sufficiency Act and S. 522, the Native American Energy Development and Self Determination Act of 2003."

*April 2, 2003.*—Hearing on S. 556, the Indian Health Care Reauthorization Act.

*April 10, 2003.*—Business Meeting for mark up S. 521, S. 522, and S. 523.

*April 30, 2003.*—Hearing on S. 519, the Native American Capital formation and Economic Development Act of 2003.

*May 7, 2003.*—Hearing on S. 550, the American Indian Probate Reform Act.

*May 14, 2003.*—Business Meeting on S. 285, S. 344, S. 555, S. 558, and S. 702

*May 14, 2003.*Oversight Hearing on the role and funding of the Federal National Indian Gaming Commission.

*May 15, 2003.*—Hearing on S. 575, a bill to amend the Native American Languages Act to provide for the support of Native American language survival schools.

*May 21, 2003.*—Oversight Hearing on the proposed reorganization of the Bureau of Indian Affairs.

*May 22, 2003.*—Oversight Hearing on S. 550, the American Indian Probate Reform Act.

*June 3, 2003.*—Oversight Hearing on the status of tribal fish and wildlife management programs.

*June 4, 2003.*—Hearing on S. 281, the Indian Tribal Surface Transportation Improvement Act of 2003, and S. 725, the tribal Transportation Program Improvement Act of 2003.

*June 4, 2003.*—Oversight Hearing on the impacts on tribal fish and wildlife management programs in the Pacific Northwest.

*June 11, 2003.*—Confirmation Hearing of Dr. Charles Grim to be director of the Indian Health Service, U.S. Department of Health and Human Services.

*June 11, 2003.*—Hearing on S. 1146, a bill to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

*June 18, 2003.*—Oversight hearing on Native American sacred places.

*June 26, 2003.*—Business Meeting on S. 281, the Indian Tribal Surface Transportation Improvement Act of 2003, nomination of Dr. Charles Grim to be Director of the Indian Health Services and nominations of Lisa Nason, Georgianna Ignace, and John Grimes to the Board of the Institute of American Indian and Alaska Native Culture and Arts Development.

*July 9, 2003.*—Oversight Hearing on the Indian Gaming Regulatory Act.

*July 16, 2003.*—Business Meeting on S. 618 and S. 1146.

*July 16, 2003.*—Joint Hearing with House Resources Committee on S. 556, a Bill to Reauthorize the Indian Health Care Improvement Act.

*July 23, 2003.*—Hearing on S. 556, a bill to reauthorize the Indian Health Care Improvement Act.

*July 30, 2003.*—Business Meeting to consider S. 428, Oversight Hearing on potential settlement mechanisms of *Cobell v. Norton*, and Hearing on S. 578, The Tribal Government Amendments to the Homeland Security Act of 2002.

*September 17, 2003.*—Hearing on S. 420, the Lumbee Acknowledgment Act of 2003.

*September 24, 2003.*—Hearing on S. 1601, the Indian Child Protection and Family Violence Prevention Act of 2003.

*September 25, 2003.*—Hearing on reauthorization of the Head Start program.

*September 30, 2003.*—Joint Hearing with the Committee on Energy and Natural Resources subcommittee on Water and Power, and on S. 437, the Arizona Water Settlements Acts.

*October 2, 2003.*—Hearing on S. 1438, the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

*October 15, 2003.*—Hearing on S. 550, the American Indian Probate Reform Act of 2003.

*October 16, 2003.*—Hearing on the Missouri River Master Manual.

*October 22, 2003.*—Hearing on the nomination of David W. Anderson to be Assistant Secretary—Indian Affairs.

*October 29, 2003.*—Business Meeting to consider S. 420, the Lumbee Acknowledgment Act of 2003, S. 1423, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2003, and S. 1601, the Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003.

*October 29, 2003.*—Legislative Hearing on S. 1770, the Indian Money Account Claims Satisfaction Act of 2003.

#### 108TH CONGRESS, SECOND SESSION

##### *B. Committee Hearings and Markups*

*January 28, 2004.*—Business Meeting to consider S. 1721, the American Indian Probate Reform Act of 2004.

*February 11, 2004.*—Hearing on the President's Fiscal Year 2005 Budget Request.

*February 25, 2004.*—Hearing on the President's Fiscal Year 2005 Budget Request.

*March 3, 2004.*—Business Meeting on pending committee business.

*March 3, 2004.*—Oversight Hearing on the Status of the Completion of the National Museum of the American Indian.

*March 16, 2004.*—Field Hearing on S. 1905, the Rural Teacher Housing Act of 2003.

*March 24, 2004.*—Legislative Hearing on S. 1529, the Indian Gaming Regulatory Act Amendments of 2003.

*March 30, 2004.*—Oversight Hearing on the Inter-Tribal Timber Council's Indian Forest Management Assessment Team report and Legislative Hearing on S. 868, the Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act of 2003.

*April 7, 2004.*—Business Meeting to consider S. 1529 and S. 1955.

*April 21, 2004.*—Business Meeting to consider S. 344 and S. 1721.

*April 21, 2004.*—Hearing on S. 297, a bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgment process.

*April 28, 2004.*—Hearing on S. 2172, a bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs.

*April 29, 2004.*—Hearing on S. 2301, the Native American Fish and Wildlife Resource Management Act of 2004.

*May 12, 2004.*—Hearing on S. 1713, the Department of the Interior Tribal Self Governance Act of 2003.

*May 19, 2004.*—Hearing on S. 1696, the Department of Health and Human Services Tribal Self Governance Act of 2003.

*May 20, 2004.*—Hearing on S. 2382, the Native American Connectivity Act.

*June 8, 2004.*—Hearing on S. 2436, the Native American Programs Act Reauthorization.

*June 15, 2004.*—Hearing on S. 1530, the Tribal Parity Act.

*June 16, 2004.*—Business Meeting on S.J. Res. 37, a resolution to acknowledge a long history of official depredations and ill-con-

ceived policies by the U.S. Government regarding Indian tribes, S. 297, the Federal Acknowledgment Process Reform Act of 2003, S. 1529, the Indian Gaming Regulatory Act Amendments of 2003, S. 1696, a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, S. 1715, the Department of the Interior Tribal Self Governance Act of 2004, S. 2172, a bill to make technical amendments to the provisions of the Indian Self Determination and Education Assistance Act relating to contract support costs, S. 2277, a bill to amend the act of November 2, 1966 [80 Stat. 1112], to allow binding arbitration clauses to be included in all contracts affecting the land within the Sale River Pima-Maricopa Indian Reservation, S. 2436, a bill to reauthorize the Native American Programs Act of 1974, and a motion to authorize the chairman to issue subpoenas in Regarding Tribal Lobbying Matters.

*June 16, 2004.*—Oversight Hearing on No Child Left Behind Act.

*June 16, 2004.*—Hearing on S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

*June 23, 2004.*—Business Meeting on S.J. Res. 37, a resolution to acknowledge a long history of official depredations and ill-conceived policies by the U.S. Government regarding Indian tribes; and S. 1996, the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act.

*June 23, 2004.*—Oversight Hearing on Indian Tribal Detention Facilities.

*July 20, 2004.*—Hearing on S. 2605, the Nez Perce Water Rights Act of 2004.

*July 21, 2004.*—Business Meeting on Issuance of Additional Subpoenas in Re Tribal Lobbying Matters; S. 2301, the Native American Fish and Wildlife Resources Management Act of 2004; and S. 2382, the Native American Connectivity Act.

*July 21, 2004.*—Hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

*July 21, 2004.*—Oversight Hearing on pending legislation to reauthorize the Indian Health Care Improvement Act.

*September 22, 2004.*—Business Meeting on S. 1438, S. 2605, and S. 556.

*September 22, 2004.*—Oversight Hearing on the Contributions of Native American Codetalkers in American Military History.

*September 29, 2004.*—Business Meeting on S. 519, the Native American Capital Formation and Economic Development Act of 2003, S. 1905, the Rural Teacher Housing Act of 2004, and S. 2843, the Native American Technical Corrections Act of 2004.

*September 29, 2004.*—Oversight Hearing on Lobbying Practices Involving Indian Tribes.

*November 17, 2004.*—Business Meeting on S. 2734, the Indian Tribal Detention Facility Reform Act of 2004.

*November 17, 2004.*—Oversight Hearing on lobbying practices involving Indian tribes.

*November 18, 2004.*—Oversight Hearing on the water problems on the Standing rock Sioux Reservation.

*December 8, 2004.*—Oversight Hearing on the Native Graves Protection and Repatriation Act.

